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JOINT COMMITTEE
ON INDIAN CONSTITUTIONAL REFORM

[SESSION 1932-33]

VOLUME II^A

MINUTES OF EVIDENCE

given before the Joint Committee on

INDIAN CONSTITUTIONAL
REFORM

(Questions 1 to 5612 and 6107 to 6374,
together with Appendices A and B)

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MINUTES OF EVIDENCE

DIE VENERIS, 2^o JUNII, 1933.

Present:

Lord Archbishop of Canterbury.
Lord Chancellor.
Marquess of Salisbury.
Marquess of Zetland.
Marquess of Linlithgow.
Marquess of Reading.
Earl of Derby.
Viscount Burnham.
Lord Ker (Marquess of Lothian).
Lord Hardinge of Penshurst.
Lord Irwin.
Lord Snell.
Lord Rankeillour.
Lord Hutchison of Montrose.
Major Attlee.

Mr. Butler.
Major Cadogan.
Sir Austen Chamberlain.
Mr. Cocks.
Sir Reginald Craddock.
Mr. Davidson.
Mr. Isaac Foot.
Sir Samuel Hoare.
Mr. Morgan Jones.
Sir Joseph Nall.
Lord Eustace Percy.
Miss Pickford.
Sir John Wardlaw Milne.
Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.
Nawab Sir Liaquat Hayat-Khan.
Sir Akbar Hydari.
Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
Sir P. Pattani.
Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

His Highness the Aga Khan.
Sir C. P. Ramaswami Aiyar.
Dr. B. R. Ambedkar.
Sir Hubert Carr.
Mr. A. H. Ghuznavi.
Lieut.-Colonel Sir H. Gidney.
Sir Hari Singh Gour.
Mr. Rangaswami Iyenger.
Mr. M. R. Jayaker.
Mr. N. M. Joshi.

Begum Shah Nawaz.
Sir A. P. Patro.
Sir Abdur Rahim.
Sir Tej Bahadur Sapru.
Sir Phiroze Sethna.
Dr. Shafa' at Ahmad Khan.
Sardar Buta Singh.
Sir N. N. Sircar.
Sir Purshotamdas Thakurdas.
Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., Sir CHARLES GORDON HILL FAWCETT, Mr. KENNETH NEVILLE KNOX, C.I.E., Mr. FRANK BURTON LEACH, C.I.E., Mr. A. C. GREEN, Mr. FREDERICK WYNNE ROBERTSON, Mr. PHILIP CUBITT TALLENTS, C.I.E., are called in and examined, as follows:—

Chairman.

1. Sir John Kerr, you are late of the Indian Civil Service which you joined in 1892. Would you tell us the principal appointments which you held, in order that they may go upon the Note?—I was Settlement Officer after seven years' service, at Bihar in 1899; I was then Collector of Midnapore for about a year and a half; subsequently, I was Director of Land Records in Bengal for two years; I was then Deputy-Secretary to the Government of India for four years; Revenue Secretary to the Government of

Bengal for four years, and Chief Secretary for six years. I was a member of the Bengal Executive Council for about eighteen months, and then Governor of Assam for five years. I acted as Governor of Bengal in 1925 for four months.

2. Sir Charles Fawcett, may we have the details of your service?—(Sir Charles Fawcett.) I entered the Service in 1890. I became Judicial Under-Secretary to the Government of Bombay in 1898; Remembrancer of Legal Affairs in 1899 and again in 1901-1904. I was a Judge

2^d Junii, 1933.] Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
 Sir CHARLES GORDON HILL FAWCETT, Mr. KENNETH NEVILLE KNOX, C.I.E., Mr.
 FRANK BURTON LEACH, C.I.E., Mr. A. C. GREEN, Mr. FREDERICK WYNNE ROBERTSON
 and Mr. PHILIP CUBITT TALLENTS, C.I.E.

of the Judicial Commissioners' Court in Sind after service as a District Judge, in 1911, for varying periods up to 1920. I was a puisne Judge of the Bombay High Court from 1920 to 1929, and Chairman of the Bombay Strike Inquiry Committee from 1928 to 1929.

3. Did you leave the Service in 1929 or are you still in the Service?—No, I retired in 1929.

4. Mr. Knox?—(Mr. Knox.) I entered the Service in 1901. I acted as Assistant Accountant-General in the Punjab in 1909; Assistant-Commissioner in the United Provinces in 1910; Joint Magistrate and Deputy Collector in 1912; Deputy-Commissioner and Settlement Officer in 1915; Magistrate and Collector in 1920; Commissioner in 1931.

5. Then have you retired?—No, I am still in the Service.

6. Mr. Leach?—(Mr. Leach.) I entered the Service in 1905. I was Under-Secretary to Government from 1909 to 1913; I was then Deputy-Commissioner, and during the War I was seconded as Deputy-Commissioner of Port Blair, and was afterwards on military duty. I started to officiate as Commissioner in 1924 and was Chief Secretary to the Government from 1930 to 1932.

Lord Hardinge of Penhurst.

7. Which Government?—The Government of Burma.

Chairman.

8. Are you a serving member?—I am on leave preparatory to retirement.

9. Mr. Green?—(Mr. Green.) I entered the Service in 1915. From 1922 to 1924 I was Assistant-Commissioner in Sind; from 1925 to 1930 I was Assistant-Revenue-Officer on the Lloyd Barrage, and from 1931 to 1933 I was Collector at Larkana.

10. And you are still on the Active List?—Yes.

11. Mr. Robertson?—(Mr. Robertson.) I entered the Indian Civil Service in 1909 in Bengal and became Assistant Settle-

ment Officer in 1913; Joint Magistrate and Deputy-Collector 1915; Magistrate and Collector 1922; I was Secretary to the Board of Revenue from 1923 to 1928 and from 1930 I have been officiating as Commissioner. I am still in the Service.

12. Mr. Tallents?—(Mr. Tallents.) I joined the Service in 1910 in Bengal. When the Province was split up, I was transferred to Bihar and Orissa, in 1912. In 1914 I became Under-Secretary to the Government until 1917. In 1918 I was placed on special duty under the Government of India and temporary Under-Secretary. In 1923 I was Superintendent of Census Operations, Bihar and Orissa. In 1926 I was Financial Secretary. In 1930 I was Political Agent and Commissioner for Orissa Feudatory States.

Marquess of Reading.

13. Is that Financial Secretary to the Government of India?—No; the Provincial Government.

Chairman.

14. And what is your present position?—At the present moment I am Chief Secretary to the Government of Bihar and Orissa.

Marquess of Salisbury.] I gather that three of these gentlemen are either retired or are pending retirement? Is that so?

Chairman.

15. That is so?—(Sir John Kerr.) Two have actually retired, and one is on leave preparatory to retirement.

16. You have put in a series of memoranda. I hope they are numbered on your copies as they are on the copies before the Committee and the Delegates. No. 1 is a Representation submitted on behalf of the Indian Civil Service Association. No. 2 is called "Précis of Evidence to be offered by Sir Charles Fawcett, on behalf of the Indian Civil Service (Retired) Association"?—Yes, they are as follows:—

MEMORANDUM I. INDIAN CIVIL SERVICE ASSOCIATION.

I. INTRODUCTORY.

The Indian Civil Service Association has branches in every province in India except the Central Provinces and the North-West Frontier Province, and con-

tains 899 members out of the 1,077 officers of the service serving in the provinces in which branches exist. It has been assumed in this representation that the services will be accorded at least the

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[Continued.]

measure of protection and the safeguards set forth in the White Paper (Cmd. 4268), and it has not been thought necessary to repeat the description of them which is contained in that Paper. In the references to it, *paragraph* means a paragraph in the Introduction (pp. 5-37): and *proposal* means one of the proposals on pp. 38-87.

II. EXISTING RIGHTS.

2. A list of the principal existing rights of officers appointed by the Secretary of State in Council is given in the White Paper.¹ These rights are recognised either in the existing law or in statutory rules, and it is stated that they will be in part embodied in the Constitution Act and in part provided for by rules made by the Secretary of State.² These rights, safeguards and guarantees are a fundamental part of the conditions under which the officers of the superior civil service in India have been recruited and are serving, and we are glad to note the acceptance of the principle that no material modification shall be made in the conditions of service without the sanction of the Secretary of State, given with the concurrence of the majority of his advisers, and without the grant of adequate compensation.³ Compensatory and similar allowances and the main principles governing the grant of travelling allowances should be definitely included in the conditions of service, and any delegations made by the Secretary of State in respect of these matters should be resumed. We submit, moreover, that an attempt should be made to define with greater precision the existing and accruing rights of members of the services, and the nature of the compensation which should be awarded, when those rights are abolished or reduced. Accruing rights should be deemed to include reasonable prospects in the career to which a person holding an appointment in the civil service of the Crown in India could look forward at the time of his recruitment; and the decision as to what are reasonable prospects in the case of individuals or of the Service as a whole should rest with the Secretary of State and his advisers. The most usual and the most difficult cases have in the past arisen from the abolition of the higher posts, and the

far-reaching political changes now contemplated are likely to make such cases more numerous in the future. We consider that there should be a statutory guarantee that officers in service at the commencement of the Constitution Act should have a right to rise, subject to efficiency, through the grades of the ordinary time-scale, and that, if higher posts above the time-scale are abolished, whether on financial grounds or otherwise, the members of the service affected should be compensated by the temporary conversion of a sufficient number of posts in the time-scale into a selection grade or grades carrying pay and pensionary rights on the level of the abolished posts. These selection posts should be continued in existence so long as any officers recruited before the commencement of the Constitution Act and affected by the abolition remain in the service. The effect upon a service of the abolition of posts, whether on the time-scale or above it, is often difficult to estimate, and all such cases should receive special consideration at the hands of the Secretary of State and his advisers.

3. It is not unlikely that, at some period after the inauguration of the new Constitution, the rate of exchange between India and England may be lowered, either deliberately in order to meet the demands of an important section of the Indian commercial community, or as a result of general trading conditions. The risk of exchange variations must be accepted by investors in Indian funds, but hitherto when the rupee has depreciated, officers recruited in England and maintaining their domicile in England have been granted exchange compensation allowance in order to protect them from loss on that part of their salaries which they have to remit to England for the education of their families, the payment of life insurance premia and the like. The Secretary of State should therefore retain the power to grant exchange compensation allowance in addition to salary, if this course should become necessary in order to prevent real pay being seriously diminished by a fall in the exchange value of the rupee below the level of 1s. 6d. at which it has been stabilised. Power should also be granted to the Secretary of State to revise salaries in the event of a serious depreciation of Indian currency. Reference to these powers should be included in a Schedule to the Constitution Act.

¹ [Appendix VII, Part I.]

² [Proposal 182.]

³ [Proposals 179 & 182.]

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[Continued.]

III. SAFEGUARDS FOR THE MAINTENANCE OF EXISTING RIGHTS.

4. The continuance of the existing control of the Secretary of State will secure the rights of members of the several services to hold the posts reserved to those services, and they will continue to enjoy a right of appeal to the Secretary of State against any important disciplinary measures and against decisions which affect their conditions of service.⁴ Apart from this, it is proposed that the Governor General and the Governors should be declared to have a special responsibility in respect of "the securing to the members of the public services of any rights provided for them by the Constitution and the safeguarding of their legitimate interests."⁵ The result will be that the Governor General or the Governor will have discretion in respect of such matters to act otherwise than in accordance with the advice tendered to him by his Ministers; and he will be able to secure such financial provision as he considers necessary for this purpose, even though his action may not be approved by his Ministers or by the Legislature. Moreover, the salaries of the officers covered by this representation, though open to discussion in the Legislature, will not be submitted to its vote.⁶

5. It is pointed out in the White Paper that it is clearly undesirable that the Governor General or the Governor in the exercise of his "special responsibilities" should be constantly over-ruling his Ministers, and it is suggested that in the great bulk of cases "mutual consultation should result in agreement."⁷ Nowhere is this result more necessary than in the day-to-day administration of the public services, where personal questions are liable to predominate. It is essential that the Governor should be in touch with the services, and in the case of the Indian Civil Service this result would be best ensured if proposals relating to postings, transfers, promotions and similar matters, were placed before the Governor by an officer of the rank of Chief Secretary.

6. An apprehension which is very widely felt among the services in India is that the demands of the Legislatures for committees of inquiry into the conduct of public

officers will be even more frequent and insistent than they have been in the past; and it is considered essential that, when the Minister concerned proposes to comply with this demand, he should obtain the personal concurrence of the Governor to the personnel of the committee.

IV. FINANCIAL PROVISIONS.

7. The provisions relating to the salaries of Judges of the High Court and of certain members of the public services will secure the entry in the Budget Statement of appropriations sufficient to meet the charges, which the Governor General or the Governor regards as necessary for the discharge of his special responsibilities.⁸ But the proposals as they stand appear to contain no provision to meet the contingency which would arise in the event of the funds available during the financial year being insufficient to cover the total of the appropriations authenticated for the year.⁹ It is stated that the service of certain obligations, *e.g.*, the service of the Debt, the salary of the Governor General, and the salaries and pensions of the Judges of the Federal Court, will be a "charge" on the revenues of the Federation, whilst other heads will not require the vote of the Legislature; but it is not clear in what the practical distinction between expenditure declared to be a "charge" and that declared to be non-votable consists. The Federal Structure Committee came to the conclusion that "the service of loans, with adequate provision for redemption, by sinking funds or otherwise, and salaries and pensions of persons appointed on guarantees given by the Secretary of State should be secured, along with the supply required for the reserved departments as Consolidated Fund Charges." It is suggested that a clear and ambiguous provision is required, which will enable the Governor General or the Governor to secure not merely budgetary provision, but the actual funds which he regards as necessary for the discharge of any of his special responsibilities. The Governor General or the Governor might be empowered, in view of a possible deficit, to issue such instructions to the audit officer, or the authority responsible for arranging Ways and Means, as would secure this result.

⁴ [Paragraph 71. Appendix VII, Part I.]

⁵ [Proposals 18, 19, 70, 71.]

⁶ [Proposals 49 and 98.]

⁷ [Paragraph 26.]

⁸ [Proposals 48 and 49.]

⁹ [Paragraph 30.]

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[Continued.]

V. VOLUNTARY RETIREMENT.

8. It has been announced that on the inauguration of the new Constitution officers appointed by the Secretary of State in Council before the inauguration will be eligible to retire on proportionate pensions at any time during their service. It is submitted that the terms of the pension to be granted to such officers should be embodied in the Constitution Act or in statutory rules made thereunder, and that they should be not less liberal than those in force at present. In the calculation of proportionate pensions, that portion of War service, which is already allowed to count for seniority or pay or for ordinary pensions, should be included. The original reasons for refusing this concession to the men who joined the Service at the end of the War no longer exist. In every case, as at present, officers retiring on proportionate pensions should be allowed to avail themselves of all leave due to them, and the terms should include free passage to his home country for the officer and his family.

VI. COMPULSORY RETIREMENT.

9. It is probable that the constitutional changes will be accompanied or followed by administrative changes involving the abolition of certain posts and the compulsory retirement of officers. In such cases, the officers concerned are clearly entitled to definite compensation for the compulsory abandonment of their career, in addition to the pension which would have been open to them, if they had retired voluntarily. The factors to be taken into account in such cases are somewhat intricate, and it would be inappropriate to deal with the subject in detail in this general representation. It is impossible for justice to be done under a simple scheme, and an adequate scheme must be based on actuarial calculations. Precedents are available in the case of Egypt and Ireland, and it is suggested that the working out of a scheme should be entrusted to a small expert committee, before which representatives of the services should be permitted to appear. The Secretary of State should continue to have the power given to him by Section 96 B (5) of the Government of India Act to grant compensation or an addition to the pension ordinarily admissible in any case where this course appears to him to be just and equitable.¹⁰

¹⁰ [Proposal 184.]

VII. PENSIONS.

10. The members of the services naturally attach the greatest importance to the provision of adequate security for (a) the due grant of the pension admissible to officers and their dependants under the existing rules, and (b) their regular payment in sterling in England in accordance with those rules. Hitherto they have had no cause for anxiety in this respect, since the control of Indian finances has been in the hands of the Secretary of State in Council; but the proposed Federal Constitution for India will materially alter the situation. Having regard to the hostile declarations of the Congress Party, the possibility of a policy of repudiation, such as has been adopted by the Irish Free State, cannot be ignored. Again, financial difficulties may render the Federal or Provincial¹¹ Government unable or unwilling to meet their external obligations (including the payment of pensions outside India); and it must be remembered that, in the normal course of events, there will be a pensionary liability (though a diminishing one) in respect of officers serving at the date of the new Constitution and their dependants for at least three-quarters of a century.

11. This liability, like that incurred in regard to loans issued or guaranteed by the Secretary of State in Council, imposes a special obligation on His Majesty's Government and on Parliament to take all steps requisite and appropriate for securing due and regular payments in its fulfilment. All but a very small proportion of these have to be made in sterling in England out of moneys remitted from India, and the Secretary of State has hitherto been in a position to see that the funds for payment are duly forthcoming. In the case of the annuities of members of the Indian Civil Service (which originated from private funds established in the early years of the nineteenth century and to which compulsory contributions of 4 per cent. of their

¹¹ Though, under proposal 186, claims in respect of pensions will be against the Federal Government only, the latter has to make adjustments with the Provinces, and the ultimate liability for service pensions under proposal 184 will rest on the revenues of India, whether federal or provincial. The financial solvency of the Provincial Government is, therefore, a matter that concerns the payment of pensions almost as much as that of the Federal Government.

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[Continued.]

salaries were made by all serving officers up to the 1st of April, 1919) the East India Annuity Funds Act of 1874 (37 & 38 Vict. c. 12) expressly places the responsibility for payment on the Secretary of State, in Council. The annuities are also made "liabilities of the revenues of India." The Secretary of State, in para. 6 of a despatch dated 21st October, 1920, regarding certain memorials by members of the Indian Civil Service, stated that this Act "assumes the retention of control by the Imperial Parliament of at least such portions of Indian revenues as are required to meet liabilities under" it. Other service pensions are given statutory protection by Section 96 B of the Government of India Act, which authorises the continuance of the conditions in force in 1919, without prejudicial variations. Those conditions impose a similar obligation on the Secretary of State to ensure that the necessary funds are forthcoming, as was stated by Sir Samuel Hoare in reply to a question in the House of Commons on the 7th March, 1932. He went on to say:

"The Services Sub-Committee of the India Round Table Conference recommended that when a new constitution of India is drawn up, suitable safeguards for the payment of pensions should be provided, and the Prime Minister, in the statement made by him on behalf of His Majesty's Government at the final meeting of the first Conference, laid it down that the transfer to a responsible Government of India of responsibility for the finances of that country must necessarily be subject to such conditions as would ensure the fulfilment of the obligations incurred under the authority of the Secretary of State and the maintenance unimpaired of the financial stability and credit of India. The consent of Parliament would be required to any change in the present position, and it is inconceivable to the present Government that in dealing with any scheme of constitutional change in India, Parliament would fail to provide such safeguards as may be necessary to ensure the due payment of pensions to officers who have served the country."

The services are confident that Parliament will act up to this authoritative conception of its duty, which corresponds

with a similar pronouncement of Lord Peel, as Secretary of State for India, in 1922.¹²

12. The Family Pension Funds that have been established under rules framed by the Secretary of State require equal protection. Those rules have statutory force under sub-section (4) of section 96B of the Government of India Act, and, as stated in para. 73 of the Introduction in the White Paper, the assets of these Funds must be recognised as constituting a definite debt liability of the Government of India and as the property of the subscribers. The Indian Civil Service Association is strongly of opinion that sterling funds should be established in England to meet the liabilities arising under this head. This course will accord with the statement made by Sir Samuel Hoare to the Federal Structure Committee on the 26th November, 1931, that—

"as the provident and pension funds which have been fed by subscriptions from officers have never been funded but remain a floating obligation on the revenues of India, responsibility for payment to retired officers and their dependants must remain with the Secretary of State until any new Government is in a position to provide sufficient capital to enable trust funds to be established."

13. Attention is drawn to the fact that the statement just mentioned covers provident funds, which are not included in para. 73 of the Introduction in the White Paper. They are no doubt on a different footing from Family Pension Funds, inasmuch as there is a final withdrawal of a subscriber's accumulated balance on his retirement or his death while in service. The assets of these Funds, however, equally constitute a definite debt liability of the Government of India and are the property of the subscribers. The Federal Government should, therefore (as indicated in Sir Samuel Hoare's statement), be required to establish and maintain trust funds for meeting the obligations in question, and a special responsibility for seeing that the payments are made should rest with the Secretary of State and the Governor General until this is done.

¹² Para. 4 of his despatch No. 5, dated 5th February, 1922, reproduced in Vol. V, Part II, p. 1629, of the Appendices to the Simon Commission Report.

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[Continued.]

14. The proposals of the White Paper will enable the Governor General to obtain budgetary provision for the payment of pensionary obligations, but for the reasons given in paragraph 7 of this representation it is essential that they should be supplemented by provisions giving the Governor General in clear and unambiguous terms the power to secure the actual funds necessary for the discharge of this special responsibility.

15. Though pensioners residing in the United Kingdom or elsewhere outside India must depend mainly on the Imperial Government and Parliament, and on their representative, the Governor General, for effective action in case of any threatened or actual default in the payment of pensions, and any remedy by recourse to Courts of Law is of secondary importance, yet a right of suit is obviously one that should be maintained. In England a servant of the Crown has no legally enforceable right under the Superannuation Acts to a pension, but the position is different in regard to Indian pensions. There is good legal opinion to the effect that beneficiaries who reside and draw their pensions in England under the rules covered by section 96B of the Government of India Act have a right of suit against the Secretary of State in Council in England to recover any payments due to them, subject of course to any authorised deduction of United Kingdom income tax. At present, in view of the Secretary of State's control of the Indian finances, a decree against him would be fully satisfied without delay, although recovery can be had only from the revenues of India. In the altered circumstances of the proposed new Constitution, the execution of such a decree might be frustrated in much the same way that the Irish Free State has opposed the exercise of jurisdiction by the Privy Council, though conceded by the treaty of 1921. It is essential, therefore, that the Constitution Act should provide for decrees against the Secretary of State being duly implemented.¹³ Proposal 134, as it stands, refers only to rights and liabilities under a statute or contract, and it should be made clear that rights and liabilities arising under any *rules* authorised or confirmed by an existing statute are covered. This is a logical corollary and one of importance, in view of the fact that under section 96B (3) and (4) of the Government of India Act the

pensionary rights referred to depend on such rules.

16. In the view of the Indian Civil Service Association, the provisions of proposal 186 should be supplemented in the following ways:—

(a) The existing rules on the subject of pensions are contained in the Civil Service Regulations, many of which are loosely worded, as they were framed at a time when there was no necessity for their conforming to the more precise phraseology of statutory rules. It is submitted that, before the new Act is passed, the Secretary of State in Council should take steps to revise the wording of the Regulations, so as to remove doubts and difficulties arising from this weakness, as well as that of other rules so far as may be necessary, in order to make it clear that, in regard to all officers falling within the purview of the proposal, they and their dependants shall, subject to fulfilment of the prescribed conditions, be entitled to receive pensions on the scales and terms fixed by the rules in question.

(b) It should be made clear that such rules cannot be "affected" by the Federal and Provincial Legislatures (*cf.* proposal 110 and section 129 A (1) of the Government of India Act). It should also be provided that the power of the Secretary of State to vary them shall be subject to the limitation that he cannot do this, so as to affect adversely the pension of any officer appointed before the date of the variation, or so as to reduce the benefits payable to any dependant already in receipt thereof. The former of these two stipulations appears in section 96B (3) of the Government of India Act and is included in proposal 186. The latter stipulation is reproduced from the existing Family Pension Rules for the Indian Civil Service and the Superior Services in India, and is of equal importance.

(c) There should be an express saving of rights to which any person may, or may have, become entitled under the provisions in relation to pensions contained in the East India Annuity Funds Act, 1874, as is done in section 96B (3) of the Government of India Act. This saving should also be extended to cover rights under the Bombay Civil Fund Act,

¹³ [Proposal 135.]

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1882 (45 and 46 Vict. c. 45), in regard to pensioners on the old Civil Funds, and under section 96B of the Government of India Act, so far as the latter rights may not be covered by the new enactment. Otherwise these rights might be prejudiced by the omission of such a saving-clause, especially after its appearance in the Government of India Act.

(d) In view of the possibility of fluctuations in the value of the rupee discussed in paragraph 3 of this representation, the Constitution Act should guarantee payment of pensions, withdrawals as from provident funds, and gratuities in the case of voluntary or compulsory retirement at the minimum rate of exchange of 1s. 9d. to the rupee in the case of pensions not fixed in sterling, and of 1s. 6d. in the case of other sums.

(e) The proposal that the pensions of persons appointed before the commencement of the Constitution Act shall be exempt from Indian taxation if the pensioner is residing permanently outside India, continues an immunity that, in the case of Indian Civil Service pensions, has existed for over one hundred years, and accords with the present law, under which the Indian Legislatures have no power to impose such taxation on pensions payable under statutory enactment or rules to persons resident outside India.¹⁴ This immunity applies to the pensions not only of persons appointed by the Crown or the Secretary of State, but also to those of their dependants; and it is submitted that the last two sentences of proposal 186 should be extended accordingly.

¹⁴ See section 65(2) of the Government of India Act which expressly prohibits an Indian Legislature from "affecting" any Act of Parliament passed after 1860 and extending to British India. This view has the support of Mr. J. H. Morgan, K.C., Professor of Constitutional Law in the University of London, who has given a full and careful opinion on the point.

VIII. CONCLUSION.

17. As the great majority of the officers on whose behalf this representation is submitted are still in active service, they are precluded by the service rules from discussing the wider aspects of the constitutional changes which are under the consideration of the Joint Select Committee. This representation is, therefore, confined to the comparatively narrow field of service interests. The Joint Select Committee, which considered the Government of India Bill of 1919, said they did not conceal from themselves that the position of the public services in working the new Constitution in the provinces would, in certain circumstances, be difficult; but they felt convinced that the services would accept the changing conditions and the inevitable alterations in their own position, and devote themselves in all loyalty to making a success, so far as in them lay, of the the new Constitution. It can be fairly claimed, that this expectation has been fulfilled, but the services have now to look forward to further and more far-reaching changes. A comparatively small proportion of the officers recruited by the Secretary of State in Council were directly affected by the administrative provisions of the Act of 1919; but the coming Constitution Act will put every service and nearly every officer under the control of authorities responsible not to the British Parliament, but to an Indian Legislature, and possessing experience, training, outlook and ideals, differing widely from those that have animated the men who have hitherto been responsible for the administration of the country. It is impossible to exaggerate the feelings of apprehension and anxiety with which this momentous change is regarded by many members of the services. It is the object of this representation to set forth candidly its probable administrative effects and to suggest the measures required to secure fair treatment and the adequate safeguarding of the legitimate interests of the services, which are essential if their contentment is to be secured and a reasonable measure of efficiency maintained in the administration.

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[Continued.]

MEMORANDUM II. INDIAN CIVIL SERVICE (RETIRED) ASSOCIATION.

This Association was established in 1921 to watch over the interests of retired members of the Indian Civil Service and now numbers over 340 such members. It is specially concerned with the regular payment and security of the annuities payable to retired officers of that Service, and the family pensions payable to their widows and children.

2. At its request, in 1931, I wrote a Memorandum detailing the history and law relating to I.C.S. pensions, and I was appointed its Secretary in June, 1932.

3. The views of the Association coincide with those stated in paras. 10 to 16 of the Representation submitted on behalf of the Indian Civil Service Association in India, to which I beg to invite a reference. Those views have the concurrence not only of the latter Association, but also of the All-India Association of European Government Servants and the Indian Police Association.

4. The main points that I desire to stress are as follows:—

GENERAL.

(1) The natural anxiety that is universally felt by both pensioners and serving-officers regarding the security of pensions (i.e. their regular payment in sterling in England as hitherto) under the proposed reforms, which will transfer the control of Indian finances from the hands of the Secretary of State in Council into those of Ministers both at the Centre and in the Provinces. This does not involve distrust of the moderate section in India, but arises from the Congress policy of repudiation of external debts and the prospect of financial difficulties that may lead to real or asserted inability on the part of the Federal or a Provincial Government to meet these debts.

(2) The obligation that, in the circumstances, falls on Parliament to provide effective safeguards for insuring that the necessary funds are forthcoming for payment of pensions. This has been recognised in a statement by Sir Samuel Hoare in the House of Commons on March 7th, 1932, and in a similar pronouncement by Lord Peel in 1922.

I.C.S. RETIRING PENSIONS.

(3) The special claim of I.C.S. pensions to such safeguards, owing to the fact that (unlike the members of other

Services) up to the 1st April, 1919, all Civilians were *compelled* to contribute 4 per cent. of their salaries towards the cost of their annuities. Since 1871, the amount thus contributed to his pension by a Civilian has varied according to the length of his service and the salaries he drew; but the average amount contributed was, in 1917, estimated to be one-fourth of the annuity (Islington Commission Report, Vol. I, p. 185), and in some cases the proportion has amounted to over one-third.

All officers, who have thus contributed to their pensions, were compelled to invest in "Indian Revenues" sums of money that otherwise they might have placed with an Insurance Company in England for a life annuity or an endowment policy. They had, under covenants with the Secretary of State in Council, to agree to make these contributions as a condition precedent to their appointments—this being provided for by Regulations regarding admission to the Indian Civil Service that were approved by Parliament (Section 32 of the Government of India Act, 1858, and section 97 of the existing Act). It is all the more incumbent upon His Majesty's Government and Parliament to ensure that the other side of the contract for the regular payment of these annuities is duly implemented.

(4) I.C.S. retiring annuities are specially protected by the East India Annuity Funds Act, 1874 (37 & 38 Vict., cap. 12), under the authority of which the Secretary of State took over and abolished the voluntary Annuity Funds that previously existed in each of the three Provinces of Bengal, Madras and Bombay. Under a ruling of the Court of Appeal in *Knill v. Dumergue*, L.R. (1911) 2 Ch.D. 199, the provisions of Section 2 of this Act, conferring a title to the annuity subject to fulfilment of the prescribed terms as to its grant, cover members of the I.C.S., who made the 4 per cent. contributions towards the cost of their pensions, even though they entered the service after the funds had been transferred and abolished. In a despatch dated October 21, 1920, the Secretary of State has recognised that this Act of 1874 "assumes the retention of control by the Imperial Parliament of at least such portions of Indian revenues as are required to meet liabilities accruing under that Act." This authoritative assurance is one that

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the Association is justified in asking Parliament to implement by proper safeguards under the proposed Reforms.

(5) Under sub-sections (3) and (4) of section 96 B of the Government of India Act, the Pension Rules in force in 1919 are given statutory recognition and confirmation, subject to the right of the Secretary of State in Council to vary or add to them, so long as this does not adversely affect the pension of any member of the service appointed before the date of the variation or addition. This supplements the rights of members of the I.C.S. appointed before 1919, and confers a similar Parliamentary title on officers appointed in or after that year.

I.C.S. FAMILY PENSIONS.

(6) The widows and daughters of officers who were subscribers to the three "Civil Funds" in Bengal, Madras and Bombay, which were taken over by the Secretary of State and abolished in 1885, 1886 and 1882 respectively, are afforded special protection by the Bombay Civil Fund Act, 1882 (45 & 46 Vict., Cap. 45). The numbers of these pensioners is, of course, diminishing, but I ascertained last July that there were then 315 widows and 684 daughters, or a total of 999, whose pensions are under Section 2 of the Act "liabilities of the revenues of India," enforceable against the Secretary of State in Council. The deeds transferring the funds to the Secretary of State also provide for his *guaranteeing* payment of the pensions.

(7) I.C.S. Family Pensions under the Scheme introduced by the Secretary of State with effect from 1881 are regulated by rules made by the Secretary of State in Council, which (as amended up to the passing of the Government of India Act, 1919), were given statutory confirmation by sub-section (4) of Section 96 B of the Government of India Act. These rules, as revised in 1925 and thereafter, confer a title on the widow and children of a deceased member of the service to receive the pensions provided for by the Rules in force at the date of his death. Rule 6 (3) also lays down that no reduction shall be made in respect of the benefits payable to any person already in receipt thereof, other than the withdrawal or reduction of any increase granted *temporarily*. There is, therefore, a Parliamentary title also in the case of the I.C.S. Family Pensions Scheme.

PENSIONS IN THE CASE OF OTHER OFFICERS APPOINTED BY THE SECRETARY OF STATE IN COUNCIL, OR THEIR DEPENDANTS.

(8) The Rules in force in 1919 regulating these pensions are given statutory confirmation by sub-sections (3) and (4) of Section 96 B subject to the right of the Secretary of State in Council to vary or add to them, as already mentioned, and the effect of this is to confer a similar right to the pensions on the prescribed terms, which is enforceable against the Secretary of State in Council. They have, therefore, a Parliamentary title.

CONCLUSION.

5. The above gives the existing legal position, as this Association sees it; and it submits that the security for regular payment of pensions that it involves should be maintained, so far as is feasible under the proposed Reforms. Four important results of the present position are:—

(a) Practically absolute security for the regular payment of pensions in England.

(b) To the extent that the Acts of 1874 and 1882 mentioned above govern I.C.S. pensions, they cannot be altered except by Parliament.

(c) The rules governing other pensions cannot be altered by any authority in India, and the Secretary of State's power to alter them is limited in regard to prejudicial variations or additions.

(d) The pensions payable to pensioners resident outside India cannot be subjected to Indian Income Tax.

PROPOSALS IN WHITE PAPER.

6. Proposals 134 and 136 of the White Paper, read with other proposals and with paragraph 73 of the Introduction, incorporate most of the safeguards for which this Association has pressed. It desires, however, to put forward certain points with a view to those proposals being supplemented and clarified. These are fully stated in paras. 12 to 16 of the Representation submitted on behalf of the I.C.S. Association in India, to which this Association subscribes.

7. With reference to paragraph 73 mentioned above, proposals for the funding in England of future subscriptions and interest accruing to the I.C.S. Family Pension Scheme have been recently submitted to the subscribers. The

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[Continued.]

Association has not yet had time to consider them, and I request that it may be given an opportunity of submitting its views to the Joint Committee, if and when the proposals are placed before it.

8. With regard to what I have just stated, I may say that the Committee of the Association, at a meeting held yesterday, felt that they could not express a final opinion on the subject until after consideration of the views of their members and of officers still serving in India; but such opinions as have reached them confirm their own view that the proposals in question are wholly inadequate to protect the due interests of the subscribers, who have contributed the large balance of nearly 4 million pounds that stands to the credit of the I.C.S. Family Pensions Fund. The scheme propounded by the Secretary of State provides for the funding in England only of *future* contributions and interest accruing to the Fund, and allows the Indian Government to retain in their hands what His Majesty's Government have recognised to be "a definite debt-liability of the Government of India and the property of the subscribers" (White Paper, Introduction, para. 73), subject to an obligation to pay the pensionary charges of the Fund until the balance in question is exhausted, a process that it is estimated will take from 25 to 30 years. In the opinion of the Committee of the Association, the financial dangers that may attend this long

period necessitate the transfer of the whole balance to England and the constitution of a separate Fund in that country. The Secretary of State is, under the existing law, admittedly responsible for ensuring that the necessary funds are forthcoming for the payment of pensions (Sir Samuel Hoare's statement in Parliament on 7th March, 1932), and in view of the dangers just mentioned the Committee are strongly of opinion that there is a moral obligation on His Majesty's Government to protect this *property* of the subscribers in some such manner.

9. In regard to the general question of safeguards for payment of pensions, I want to add two suggestions that have occurred to me since the précis of my evidence was prepared and that have the approval of the Committee of the Association, viz., it should be definitely stated in the Constitution Act:—

(a) that these pensionary charges are debt-liabilities of the Government of India, and remain a liability in all the revenues of India, whether Federal or Provincial; and

(b) that it shall be the duty of the Secretary of State to take steps for ensuring that the requisite funds for their payment are forthcoming.

These proposals merely provide for placing beyond cavil a position that under the proposals in the White Paper it is intended should continue.

(Then the cross-examination of the Witnesses is continued.)

Ordered, That the evidence tendered by the Indian Civil Service Association and the Indian Civil Service (Retired)

Association be not delivered out until after it be completed on Tuesday, the 13th of June.

(The Witnesses are directed to withdraw.)

Ordered, That the Committee be adjourned to Tuesday, the 13th June, at half-past Ten o'clock.

2^o Junii, 1933.] Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
 Sir CHARLES GORDON HILL FAWCETT, Mr. KENNETH NEVILLE KNOX, C.I.E., Mr.
 FRANK BURTON LEACH, C.I.E., Mr. A. C. GREEN, Mr. FREDERICK WYNNE ROBERTSON
 and Mr. PHILIP CUBITT TALLENTS, C.I.E.

DIE VENERIS, 2^o JUNII, 1933.

Continuation of Evidence of—

Sir JOHN HENRY KERR K.C.S.I., K.C.I.E., Sir CHARLES GORDON HILL FAWCETT,
 Mr. KENNETH NEVILLE KNOX, O.I.E., Mr. FRANK BURTON LEACH, C.I.E.
 Mr. A. C. GREEN, Mr. FREDERICK WYNNE ROBERTSON, Mr. PHILIP CUBITT,
 TALLENTS, C.I.E.:—

17. Then I have a document, which is an Abstract of the Representation submitted by the Service Associations in India as a whole. Is it to these three documents that you wish to speak, or have you any other papers?—No, Sir, these are the only three, I think.

Lord Hardinge of Penshurst.

18. My Lord Chairman, may I be permitted to ask whether these gentlemen of the Indian Civil Service also represent the All-India Association of European Government Servants, the Indian Police Association and the All-Indian Association of Civil Engineers, all of which Societies and Associations are mentioned?—(Sir John Kerr.) No, we do not represent them, but we have had various meetings with them and our views are identical except to the extent stated in the Abstract. They, I understand, are coming up to give evidence separately.

Chairman.

19. Do you desire to make any corrections or to say anything in amplification of the Memoranda at this stage?—No, Sir.

20. I understand that you, Sir Charles Fawcett, will speak to the question of pensions, and that as regards other matters, Sir John Kerr will be the principal speaker to-day. Is that in accordance with the arrangement?—(Sir Charles Fawcett.) Yes.

Chairman.

21. There are just one or two matters on the papers which I should like to clear up. Will you turn to Memorandum No. 1? I want to be clear in paragraph 12 as to exactly what funds you are referring to when you speak of the Family Pension Funds. There are a series of funds?—There are certainly

more than one such fund. There is the Indian Civil Service Family Pension Fund, which is the first one, which succeeded the old Civil Funds; then there is a Superior Services Family Pension Fund, and I am not sure that there are not other pension funds. There is, of course, the Military Family Pension Fund and the Police.

Chairman.] And you are thinking of those when you speak of the Family Pension Funds.

Lord Eustace Percy.

22. Is it not the fact that all these funds except the Indian Civil Service Family Pension Fund are closed funds? The Indian Civil Service Fund is the only fund which now admits new entrants?—(Sir John Kerr.) In the case of the old Civil Funds, there are no subscriptions coming in, but there is a very considerable number of dependents who are still drawing pensions from these funds.

Chairman.

23. Then if you turn to Memorandum No. 2, paragraph 7, you mention three proposals for the funding in England of future subscriptions and interest accruing to the Indian Civil Service Family Pensions Scheme as having been recently submitted to you, or rather to subscribers?—(Sir Charles Fawcett.) Yes.

24. Would it be as well to-day to avoid detailed discussion in this matter, as it is at present under consideration?—Yes, I quite agree; but I thought it right, as the Committee of the Retired Association had been discussing the matter, that in case there was no further opportunity, they should take advantage of stating what their present views were on the subject; but I quite agree that it would, perhaps, be better to leave it alone at present.

2^o Junii, 1933.] SIR JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
 SIR CHARLES GORDON HILL FAWCETT, MR. KENNETH NEVILLE KNOX, C.I.E., MR.
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Viscount Burnham.] I do not quite understand, my Lord Chairman, what your remarks meant with regard to that. Surely, we are here to hear the whole of the views of this Delegation on these points.

Chairman.] Most certainly, but, apparently, a scheme or schemes are on the stocks, and I thought it might be as well, unless those schemes were before the Committee, and I do not think they are, that we should avoid dealing in any degree of particularity with them.

Viscount Burnham.] Then perhaps these Witnesses will be called later to give evidence upon these points.

Marquess of Reading.

25. My Lord Chairman, on the question raised by Viscount Burnham, is it possible for this Committee to consider in detail the question of arriving at times, for example, of funding the subscriptions? Are we to go into that, because that is what is raised by Viscount Burnham's question. The whole point of paragraph 7, as I understand it, is that there is some proposal for funding the subscription, etc.?—(Sir Charles Fawcett.) Yes.

Marquess of Reading.] And, that, of course, is rather a difficult and troublesome financial proposition, which will have to be carefully considered and examined by experts, I should imagine. But whatever it is, the Witnesses are not prepared to deal with it, as I gather. As you, my Lord Chairman have stated, it would be very difficult for us to discuss that at this moment, would it not?

Viscount Burnham.] I did not want to press the point, my Lord Chairman, at this moment; it is only that there should be some time at which these Witnesses, who speak with great authority, should be able to say how far they are in favour of the settlement arrived at.

Sir Reginald Craddock.] My Lord Chairman, might I interpose some explanation here?

Chairman.] If you please.

Sir Reginald Craddock.] The old question of security of pensions has naturally exercised the Indian Civil Service Associations; I am talking especially at the moment of the Family Pension Fund. Recently every member, I imagine, re-

ceived a proposal from the India Office for dealing with this subject. So far as the Indian Civil Service (Retired) Association goes, they have considered that scheme, and they find serious objections to it, but the point is this: There has not yet been time to ascertain the opinions of the Indian Civil Service Associations in India itself. Therefore, the Retired Association can give its own opinion now, but it simply safeguards itself to this extent, that the Indian Civil Service Association—the members of the Indian Civil Service serving in India and belonging to the Indian Civil Service Associations there might possibly differ as regards the merits of the scheme from the Retired Association; consequently, the Retired Association puts up its views through Sir Charles Fawcett to-day. That is how I understand it to be, subject, of course, to the caveat that the serving members of the Indian Civil Service in India may not entirely agree with the opinions given here.

Sir Samuel Hoare.] I am inclined to think, my Lord Chairman, that it will be very difficult for a body of this kind to go into all the actuarial calculations connected with the scheme. The position is quite a simple one. We at the India Office are going into the whole question both with the Associations and with the Treasury, and if there is any big issue arising out of these discussions, that issue may well be considered by the Committee later on, but, at the moment, the position really is in the actuarial stage.

Viscount Burnham.] I only meant that after the actuarial stage is concluded, there should be some opportunity of hearing these gentlemen speak with great authority on behalf of these bodies of public servants.

Chairman.] Perhaps, we may take note of Lord Burnham's views. I am quite sure the Committee will be prepared to listen, if necessary, later on to these Witnesses or any other Witnesses?

Viscount Burnham.] Quite.

Chairman.

26. Then, if you turn to Memorandum No. 2, at the bottom of the first paragraph, you use the expression: "There is therefore a Parliamentary title also in the case of the Indian Civil

2^o Junii, 1933.] Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
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Service Family Pension Scheme." Is there any difference there between Parliamentary and statutory?—(Sir Charles Fawcett.) In fact, there is practically no difference. I mean, it comes by Statute, enacted by Parliament. There is a title by Statute enacted by Parliament.

27. On the same page of the same document, paragraph 5, sub-section (c), it was not quite clear to me as I read it the first time: "The rules governing other pensions cannot be altered by any authority in India, and the Secretary of State's power to alter them is limited in regard to prejudicial variations or additions." You are thinking there of the words in Section 96B (3) of the Government of India Act which read: "The right to pensions and the scale and conditions of pensions of all persons in the Civil Service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of the Government of India Act, 1919. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to, but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof"?—Yes, that is right.

Chairman.] I do not propose to take you gentlemen through these Memoranda in detail; I propose to reserve any questions which I wish to put until I discover what questions my colleagues on the Committee and the Delegation propose to address to you.

Marquess of Zetland.

28. There is one question I would like to ask with regard to a passage in the first Memorandum. The question is dealt with in the latter half of the first paragraph; it is with regard to the definition of accruing rights of the Service. I understand that the proposal is that in the event of the abolition of certain of the higher posts, such as the post, for example, of Commissioner of a Division, certain compensation should be given to members of the Service for the abolition of their prospects of attaining to those posts. The compensation, I understand, will be given in the form of a special grade above the ordinary time

scale of pay, in which a special rate of pay should be given. I am not quite clear how the value of those accruing prospects would be arrived at. Supposing, for example, that Governors of Provinces were appointed more largely from Home than they are at the present time, would the reduction of the number of those posts which are now open to members of the Indian Civil Service be taken into consideration as one of their accruing rights. Sir John Kerr, perhaps, could explain a little more fully than is explained in the Memoranda their views of that point?—(Sir John Kerr.) No, Sir; we should not claim a Governor's post as a post which is in any way reserved to the Indian Civil Service. That is a matter of high policy, and it is not a Service post in the ordinary sense of the term. The posts we are thinking of are posts like Commissioners, Members of the Board of Revenue, and similar high posts in the Provinces, which are reserved by Statute for the Indian Civil Service. If those posts for any reason are abolished or reduced in number, we ask that the Service should be compensated in this form.

Lord Rankeillour.

29. I gather from your Memorandum that you set great importance on the existing safeguards set out on page 120 of the White Paper, do you not?—Yes.

29A. Would you be satisfied if the powers of the Secretary of State as set forth there were transferred to the Viceroy at his discretion, or to the Governor-General as head of the suggested Indian Government?—I do not think, Sir, that the Services would agree to accept a position of that kind. The view they take is that they have been recruited by the Secretary of State under arrangements that have the sanction or the knowledge of Parliament, and they would not like to be placed under any lower authority.

Sir Reginald Craddock.

30. I should like to ask Sir Charles Fawcett a question. The Secretary of State has said that the actuarial calculations are ruled out, but if you turn to Memorandum No. 2 the question is not there an actuarial one. Would Sir

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Charles Fawcett say whether there is this feeling of insecurity about the Indian Civil Service Family Pension Funds, especially with reference to them, because they consist entirely of contributions which the members themselves pay. Is that a point that you would be able to put forward, Sir Charles?—(Sir Charles Fawcett.) Yes. The main difference between the proposals made in the Secretary of State's letter to subscribers is that only future contributions and interest accruing to the fund should be funded in England, whereas, according to actuarial calculations, there is to the credit of the fund at present a balance of very nearly £4,000,000 sterling, and the feeling of the body of subscribers, so far as we have been able to ascertain, is that, having regard to the financial dangers that may attend the period of twenty-five or thirty years that are to be taken over funding the future contributions and interest, the balance should be transferred to England and kept as a separate fund. It is recognised as our property; it is property which hitherto has been absolutely secure. The subscribers do not feel the same sense of security with regard to the proposed new Constitution, for various reasons, and the general view of the Association is that that balance ought to be brought over to England and funded there. That is not a question of actuarial calculation; it is a question about the money being available and brought over.

Chairman.

31. What is the present position as regards the fund?—The present position is that there is no real fund at all. It is merely a liability of the Revenues of India, both Central and Provincial, and the Secretary of State is responsible, as he has himself stated, for seeing that the necessary funds are brought over from the Revenues of India, to England, where the main bulk of dependants reside, for payment from time to time of their pensions.

Lord Hardinge of Penshurst.

32. I presume the funds in India now would receive interest at the Indian rate of interest, say 5 or 6 per cent., whatever it may be?—Now only 4½ per cent., I believe, but it has been 5 per cent. in the past.

33. If the funds are transferred to England and interest is received at the rate of British interest, it would be very much less?—Yes.

34. Therefore, your funds would suffer?—Yes, subscribers recognise that there will be probably some reduction in the income of the fund, and therefore possibly some sacrifices on the part both of contributors and of the beneficiaries but they are prepared, as far as we have ascertained the feeling, to undergo those sacrifices, having the extra security that is obtained by transferring the moneys to England.

Sir Reginald Craddock.] I only put that question to bring out that point of Sir Charles Fawcett, because he has studied that. In fact there is no existence in England of the fund as a fund, but there is a pro forma account kept of it which shows what the fund should be. It remains in the balances of the Government of India, who have taken the contributions as they are made every month by deductions from pay, and they pay out such pensions as are due to pensioners as they enure; there is no fund.

Miss Mary Pickford.

35. In paragraph 2 of Memorandum 2 there is a sentence beginning "Compensatory and similar allowances." Towards the end of the sentence it says "Any delegations made by the Secretary of State in respect of these matters should be resumed." Would Sir John Kerr explain a little what delegations have been made, and whether these delegations have adversely affected the services?—(Sir John Kerr.) The main matter referred to there is the question of travelling allowances. They are very numerous in India. In different parts of the country there are different ways of travelling; they are very numerous and very complicated, and the Secretary of State has in the past delegated powers to Local Governments to make rules and alter rules regarding such matters. What some Members of the Services are inclined to fear is that, in the future, Ministers might make radical alterations in travelling allowances, such as prescribing that all officers should travel third-class, or something of that kind, and they want the Secretary of State to retain in his hands the power to regulate what we call here the main

2^o Junii, 1933.] Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
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principles underlying travelling allowances.

Lord Eustace Percy.

36. May I ask one question on this list of existing rights on pages 120 and 121 of the White Paper, to which you attach importance. It is No. 16; the right of complaint to the Governor against any order of an official superior in a Governor's Province. What sort of orders do you regard that right as extending to? For instance, would it extend to the right of appeal against some administrative order in pursuance of a particular policy, or does it relate only to an order affecting the official's prospects?—It would not refer to questions of policy. The actual wording of Section 96 (B) is "If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a Governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may, without prejudice to any other right of redress, complain to the Governor of the Province in order to obtain justice, and the Governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable."

37. It relates therefore purely to personal rights and wrongs?—To personal rights and wrongs, yes.

Mr. Zafarulla Khan.

38. There is one question I would like to put on the suggestion that the Indian Civil Service Family Pension Fund should be funded in England. May I ask for information, before I put my question, as to whether there are any dependants of Indian employees of the Indian Civil Service entitled to the benefits of this fund?—(Sir Charles Fawcett.) I think I am quite correct in saying that they have been separated. There are two separate funds, one for European British Officers, and the other for Indian Officers in the Civil Service. It was held that there were different actuarial factors as regards mortality and so on, and that they should be separate funds on that account.

39. When were they separated? What was the date on which they were separ-

ated?—I am told it is about 3 or 4 years ago.

40. Therefore my question is: Before the separation, were there not Members of the Indian Civil Service (Indian Members) whose dependents are entitled to the benefits of these funds, or were there none such, or are there none such?—I am afraid I am not really in a position to answer that question, but, if I may guess, I should say that, at any rate after the separation, they ceased to have any claim upon the Indian Civil Service Family Pension Fund.

41. Do I understand that the dependents of an Indian Member of the Indian Civil Service who died on some date previous to this separation are no longer entitled to the benefits of this Indian Civil Service Family Pension Fund?—I am told that they did not subscribe at all to the Indian Civil Service Family Pension Fund, so that that question would not arise.

42. What would be the position of Indian Members of the Indian Civil Service who contributed to these funds before the separation, and also after the separation?—I am told they did not contribute to the funds at all.

43. Mr. Tallents is Chief Secretary to the Government, is he not?—(Mr. Tallents.) Yes.

44. Have you any recollection of the case of Mr. S. A. Khan, Collector of Purnea, who was shot last year, accidentally I believe. Do you recollect whether he was or was not a contributor to these funds, and whether his dependents are or are not recipients of benefits from this fund?—I was not Chief Secretary to the Bihar and Orissa Government when the incident which resulted in Mr. Khan's death occurred, and I am afraid I cannot remember the details.

Mr. Zafarulla Khan.] The point I wished to bring out was: Was there any statutory prohibition, or prohibition by rule, preventing Indian Members of the Indian Civil Service contributing to these funds? What is the basis of this statement that they did not contribute? Did they voluntarily choose not to contribute or were they prohibited from contributing?

Sir Samuel Hoare.] Perhaps I can clear up this rather technical point. I understand there are a number of

2^o *Junii*, 1933.] Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
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Indians in the fund and that they had the option, when the European side of it separated, whether they would stay in the fund or whether they would go in a separate fund, and some took one course, and some took another, and there are still quite a number of Indians in the now European fund.

Mr. *Zafrulla Khan*.

45. That was my information, too, and I was rather surprised that the reply was to the contrary from the witness. That being the position, that there are several Indians who chose to remain on the European side, as it were, and the dependants of some of them are beneficiaries of this fund, and the dependants of others who are still in the Service may become beneficiaries of this fund, may I enquire what their view was at the time of the separation, or what their view is even now with regard to the funding of this debt liability of the Government of India with regard to past contributions?—(Sir *Charles Fawcett*.) That is one of the questions we have really not had time yet to be able to answer. The Central Association of the Indian Civil Service are no doubt consulting both the European and the Indian Members, and we are waiting till we hear what their views are before we can come to any final statement on the point. I should imagine that, if there are the interests of Indian beneficiaries to be considered, that will have to be taken into consideration, of course, when considering the proposal that the whole balance should be transferred to England. (Sir *John Kerr*.) I should like to say that the circular from the India Office asked for the opinion of individual officers to be submitted by the 30th June. Until the opinions from individual officers come in, the Association cannot come to a final conclusion on the matter. That is how the matter stands at present.

46. With regard to the doubt that has been given expression to as to the security in future being or not being of the same character as it has been in the past, it has been suggested that it will take from 25 to 30 years to liquidate, as it were, this debt liability of the Government of India in respect of the Indian Civil Service Family Pensions. My question is: Would not Sir Charles Fawcett and his colleagues consider that the

security that will continue under the new Constitution with regard to the pay of Indian Civil Service Officers during the next 25 or 30 years is good enough as security with regard to the Indian Civil Service Family Pensions also during the next 25 or 30 years?—(Sir *Charles Fawcett*.) I think that the two cases are on an entirely different footing. At any rate as regards the Family Pensions which we are considering, the assets that under the pro forma account stand to the credit of the Family Pension Fund are actually our property, and therefore we have a special claim that should be protected sufficiently to prevent the whole fund perhaps being lost.

47. The special point that I wanted to put was this: The Secretary of State guarantees the pay and allowances of at least those members of the Indian Civil Service who have already entered into covenants with him and they are expected to serve in India during the course of the next 30 or 35 years. Would not a similar security with regard to this particular fund be sufficient to secure that the fund would continue to pay the benefits to which members and their dependants may be entitled under it, just as the Indian Revenues will continue to pay the pay of the officers serving under their covenants during the next 30 or 35 years? I recognise the difference, that the members and their dependants may have a special claim to this fund; but, so far as their apprehension is concerned as to whether this will or not be forthcoming for the benefits, will not the security be just as good, and do they want a higher security for pensions than is offered and has been offered in the past with regard to the pay of serving officers?—I would answer that question, if I may, in this general way. It must be remembered that under the authority of Parliament we entered the Services relying not on the Government of India, but on the Secretary of State, and there was practically no limit to his power and will to protect us in the past. We had legal rights easily enforced (though this was never necessary) against a Government of indubitable solvency. The White Paper asks us to trust to the power and good will, on the one hand of the Governor-General and Governors, and on the other hand, of Ministries composed of Indian politicians,

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all acting under an experimental constitution. We know that we shall have the good will of the Governor-General and the Governors, but we doubt whether the constitution will prove workable, or whether future Ministries may not adopt a hostile attitude towards officers of the Secretary of State's Services and to obligations connected with those Services. We cannot be sure that India will remain solvent and that salaries and pensions will be forthcoming out of Indian revenues. We know that an influential section in India is flatly hostile to us and constantly preaches that the payments due to Englishmen from India amount to a ruinous imposition, and should be repudiated. We also have the example of Ireland before us, and the likelihood that it may be copied by a future Government in India. Even a moderate Government may copy Mr. Lang's Government in New South Wales in refusing to make remittances to England, on the ground that the funds available are required for purposes of more value to India. In all these circumstances we say that we have the strongest grounds for asking Parliament to see that the safeguards are substantial and adequate to meet emergencies that may arise. This does not imply distrust of moderate and responsible Indians, but distrust of the extremist section, and of a policy that may impair the solvency of India under the new regime. We ask that the lesson of Ireland should be taken to heart. Given good will, the occasion for using the safeguards may never arise; but they should be provided in case of repudiation and similar conduct. What I say about this is nothing new or startling, because I can quote from John Stuart Mill in his book "Representative Government" which he wrote some 80 years ago, in which he said, "All trust in constitutions is grounded on the assurance they may afford, not that the depositaries of power *will* not, but that they *can* not, misemploy it." That is really, as I conceive it, the foundation of our request that Parliament should give the strongest safeguards to meet the possible dangers—I do not say they will arise, but the possible dangers that may arise, and therefore the Secretary of State and the British Parliament should be in a posi-

tion to interfere in some adequate way in order to get funds to meet obligations like the pensions of officers who have served India.

48. May I draw your attention to page 49 of the White Paper: "(49) Proposals for appropriations of revenues, if they relate to the Heads of Expenditure enumerated in this paragraph, will not be submitted to the vote of either Chamber of the Legislature." Then "Heads of Expenditure" are enumerated. The first is interest, sinking fund charges, etc.; secondly, salary and allowances of the Governor-General, etc. Then I would draw your attention to the last item, item No. vi: "Salaries and Pensions payable to, or to the dependants of certain members of the Public Services and certain other sums payable to such persons." Do not you think that the security which is being offered under this scheme for the service of the loans raised in England as well as in India, and for the salary of the Governor-General himself and other officers, is good enough for that liability of the Government of India in respect of your Indian Civil Service Family Pension Fund?—No, Sir, I do not consider that sufficient. That is merely a provision by which an appropriation in a Budget may be made. That is a very different thing from the money being actually forthcoming and remitted to England. That is what we want.

49. Your apprehension, I take it, is that things may be so mismanaged under the new constitution in India, in spite of all these financial and other safeguards, that there may not be money forthcoming to meet this debt liability to which you have referred?—That is a danger which I certainly do rely upon. We have had instances in the case of Ireland, first of all, of a Government which carried out its obligations; then we had the defeat of that Government at the polls and a party coming in with what one may call a hostile attitude towards Great Britain and the refusal to pay up annuities. Apart from that, I say not necessarily mismanagement, but financial exigencies, waves of financial depression, and so on, may affect the Indian Revenues so that there may be difficulties about these pensions being obtained. You may get to a stage where the Indian Financial Minister will say: "I consider that what money there is should be devoted entirely

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to Indian interests and nothing should be remitted abroad."

50. But, Sir Charles, surely you recognise that by this paragraph the Finance Minister will not be at liberty to say so. The Governor-General will have power to appropriate the Indian Revenues first to these charges?—That is one of the safeguards.

51. He being under no necessity to obtain the vote of the legislature?—I am contending in favour of these safeguards.

52. Supposing that this safeguard is maintained, in what respect do you think that this safeguard fails to meet your anxiety in this matter?—You referred me only to the safeguard about appropriation in paragraph 50. I was referring to that. I do not consider that that alone is sufficient.

53. I am referring to paragraph 49?—I beg your pardon.

54. Saying that these charges will have to be met under the direction of the Governor-General without even the necessity of his obtaining a vote of the legislature in support of them. Do not you think that that security is sufficient?—I do not think it is sufficient without your giving power to the Governor-General to, if necessary, obtain the funds.

Sir *Hari Singh Gour*.] That is just what he has got.

Mr. *Zafrulla Khan*.

55. He has got the special power to demand funds and to obtain them in order to discharge his special responsibilities?—Yes, I quite agree, he has, but I am only referring to paragraph 49. That does not contain the provision about his being able to obtain revenues. They can be appropriated.

56. I had assumed that the White Paper had been studied and the entire scheme of safeguards laid down therein had been given due consideration before further safeguards were demanded in your proposals. Paragraph 50, on page 50, is: "At the conclusion of the Budget proceedings the Governor-General will authenticate by his signature all appropriations, whether voted or those relating to matters enumerated in paragraph 49; the appropriations so authenticated will be laid before both Chambers of the Legislature, but will not

be open to discussion. In the appropriations so authenticated the Governor-General will be empowered to include any additional amounts which he regards as necessary for the discharge of any of his special responsibilities, so, however, that the total amount authenticated under any Head is not in excess of the amount originally laid before the Legislature under that Head in the Statement of Proposals for appropriation." With regard to the special responsibilities for which he can include any demands, may I draw your attention to paragraph 18 on page 41?—Yes.

57. More particularly to the two special responsibilities under subhead (b) "The safeguarding of the financial stability and credit of the Federation" and subhead (d) "the securing to the members of the Public Services of any rights provided for them by the Constitution Act." Do not you think that gives him ample power to obtain funds by appropriations after they have been raised to meet all these charges?—I would add, with the extra power that is also given to him to legislate himself, so that he might legislate about obtaining funds from, say, a province that refused to remit money. I would add that I rely more on the special power that is given to the Governor-General to legislate over the heads of the Legislature in regard to these special responsibilities. He could then, if necessary, exercise the powers to obtain funds which otherwise he might not be able to get. That and his special responsibility do, I certainly agree with my questioner, give the Governor-General effective powers of intervention financially, and I am only supporting those particular safeguards and saying that they should be granted by Parliament.

58. Your view is that in case this scheme of safeguards (provided it contains these two essential points which you have mentioned) is maintained under the new constitution, you think you will have sufficient security for this particular fund of yours, and would not insist upon its being funded in England?—As regards the Family Pension Fund I put that on a special footing. I say that that is the property of subscribers and, quite apart from the safeguards, the wishes of the subscribers, if they are in favour of funding in England, should be

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respected by the Secretary of State. I put it more on that special ground.

59. May I put it more in a general form. Perhaps your view is this: It is not so much any apprehension with regard to the funds not being forthcoming, provided the safeguards are there, but it is more out of a sort of political feeling?—No, I do not agree with you there.

60. That you want it funded in England?—No; I do not agree that it is due to any political feeling. It is a question of what is the securest way in which this property can be kept for our dependents, our future widows and children, and we think that in the special circumstances, as this fund is the property of the subscribers, it should be brought over to England. As regards the general question of security of pensions, of course that is on a somewhat different footing. I rely on there being ample safeguards provided by Parliament for the payment of the pensions that are obligations of the Government of India and of the Secretary of State under the existing law.

Sir Samuel Hoare.

61. May I clear up this point without interfering with the questions?—Yes.

62. Is not the distinctive character of the Family Pensions Fund, first of all, the fact that it deals with a lot of unorganised people, and secondly, that it goes on for a very long period of time, and that there may be people entitled to this fund, to which their parents have contributed all the contributions, in perhaps 50 or 60 years' time?—Yes, Sir.

63. Is not it that which distinguishes between the Family Pensions Fund and the other more general pensions funds?—Yes. I quite agree that that is a very important distinction. I am relying also on the admissions that, for all practical purposes, the position is that the benefits of the Family Pensions Fund are met from a fund which is deposited at interest with the Secretary of State in Council, and that it is recognised that this balance is the property of the subscribers from whose compulsory contributions it has been accumulated. That is the official statement of the position. I say that that gives a very special claim to that fund being transferred.

Mr. Zafrulla Khan.

64. May I try to clear up a little more the question relating to compensation for posts that may be abolished in future. Take the case, say, of a person given a post of a Commissioner. If in a particular province it is felt that there will not be enough work for, say, five Divisional Commissioners, and that the number of these Commissionerships should be reduced from five to three on the ground that there is not enough work to go round for five Divisional Commissioners, what is the specific suggestion, working it out on that basis of five posts being reduced to three, that you would make, and on what basis?—(Sir John Kerr.) The questioner assumes a position of affairs that I do not think will ever be found. I have never come across a Commissioner yet who had too little to do. I can imagine Commissioners being abolished on grounds like this. The Ministers might say: There are half a dozen of us, or perhaps a dozen of us, and we are about the Province much more than Members of the Government could be in the old days when Governments consisted only of three or four people; therefore you do not want Commissioners to the same extent as you did before, or you do not want so many Commissioners. That is, I take it, the ground on which Commissioners will be or may be abolished in the future. I do not imagine that the system of administration is going to be altered to such an extent that the work which is done at present by Commissioners can be left undone.

65. I am afraid that does not meet my question. That is your view?—Yes.

66. You think it will not happen?—Yes.

67. There is one province which does without divisional Commissioners altogether, and there might be provinces in future who might so arrange their administrative work that the work might be done by three instead of five, and if such cases did occur what would be the basis of the claim for compensation?—It is that, in the Schedule to the Government of India Act, a certain number of Commissionerships are laid down as reserved for the Indian Civil Service. If you alter that statutory provision, the men who entered the service under that understanding, that these posts would be open to them, are entitled to some form

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of monetary compensation. It means that men serving in India will not have any chance of getting pay above the top of the time scale.

68. Taking that as the basis, your position seems to be that it does not matter whether it is a question of public policy or for the efficient administration of business, there should be compensation. Then my question is, will you kindly inform the Committee with regard to the details of the compensation? You say special grade posts should be created, of equal pay, I suppose, and other accompanying allowances, and for how long. Is your suggestion this: That you may abolish two posts of Commissioners in a Province, because you do not require them, but you must go on paying the pay of those posts, and other resulting pensions, in spite of the abolition of those two posts? Is that, in effect, the suggestion that you make, that although the posts are unnecessary, and may be reduced, the charges in respect of them shall continue for ever to be paid?—Perhaps, I might put it this way. At present there are in the Province twenty posts of Deputy Commissioners on the time scale, rising from 500 or 600 rupees through twenty-five years to a maximum of 2,500. I think that is a fair statement of the case for most Provinces. Then, in addition to that, you have five superior posts on 3,000 a month, the posts of Commissioner of the Division, which are now being referred to. We say that if you abolish some of those posts of Commissioners, the virtual effect is that nobody in the Service will ever get more than 2,500 rupees a month. We say: "Create special selection grade posts on Rupees 3,000 corresponding to the number of Commissionerships that have been abolished and put into those posts by selection the men who would have been chosen as fit to be Commissioners if such posts had existed.

69. My question was with regard to the period of time during which this special arrangement should continue?—You will find it in our Memorandum. "These selection posts should be continued in existence so long as any officers recruited before the commencement of the Constitution Act and affected by the abolition, remain in the Service." That is paragraph 2 of Memorandum I.

70. That is to say, putting it in years, for at least 40 years from now onwards, and probably for more?—It might be for 35 years from now onwards. I cannot imagine its being more than 35 years.

71. And probably more; the Constitution Act is nowhere being passed yet. So that during the next 35 years, according to you, even though there may be less work for a certain class of officer, if the post has been preserved for the Indian Civil Service officers, there can be no financial relief to the provincial or central Exchequer as a result of the reduction of posts?—Yes, that is so.

Sir *Abdur Rahim*.

72. I should like to know, first of all, if the Civil Service Association have taken legal opinion on the question whether the Civil Service rules and regulations drawn under this title are part of their contract, the contract of the members of the Civil Service—the rules and regulations drawn under the statute—are they part of the contract of each member of the Civil Service?—(Sir *Charles Fawcett*.) No, Sir, I cannot say it has ever been contended that they are part of the original contract. Some things were laid down in our contract. For instance, that we should contribute to our own pensions, but otherwise it was rather a vague sort of contract about not giving away official secrets, and so on, but it is the Government of India Act that has given us the main basis for our rights, as we call them.

73. You do not contend that these rules and regulations, so far as the prospects of the Civil Service are concerned, stand on the same basis or footing as the Covenant which they have signed on joining?—I say they stand on a higher basis. They have the authority of Parliament in the Act of 1919 that these rights should be respected, and if they could not be observed, compensation should be given. I am talking of the particular case of officers appointed before 1919.

74. Then is it your contention that the Government of the day cannot change or alter these rules?—No, I never for one moment say that. The authority of Parliament is paramount.

75. Cannot the Government, acting under the statute, change them?—The Secretary of State is by the Act given

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power to alter or vary them, but not so as to affect the question of pensions prejudicially.

76. But as regards posts?—As regards posts, the Act itself has laid down a certain reservation of posts. Even the Secretary of State could not alter those, under the existing law.

77. Your contention is then that these posts cannot be abolished, even by the Secretary of State?—I do not know that I can say necessarily they cannot be abolished. It may be that a right to compensation would arise.

78. Is there anything mentioned about compensation in the case of abolition?—I am relying upon the words that every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council shall retain all his existing or accruing rights. I say it is a right that these posts are reserved for the Indian Civil Service, and, therefore, if there is an abolition of posts, the question of compensation arises under that particular part of the Act.

79. As regards the accruing rights, are you aware that that has been the subject of interpretation by the Legal Officers of the Crown here?—Yes, I am quite aware of that, and I know that they hold that the abolition of a Commissioner's post would not fall under the expression "accruing rights," because it is a selection post, and not a post which an officer has a claim to get by seniority. I am quite aware of that, and that is one of the reasons why we ask that there should be a definition, to some extent. Of course, it is very difficult to have an exact definition, but a definition, to some extent, of "accruing rights," giving the Secretary of State power in doubtful cases to say whether a particular loss of an appointment would fall under an officer's accruing rights, or not.

80. May I suggest to you that what you really want is not a definition, because the law officers of the Crown have really defined it, but you want something more than is there. Is that not so?—You may put it that way. It is a little more than the expression as interpreted by the Officers of the Crown.

81. Now I want to put one general question, and it is this: Supposing you retain all what you call regulations and rules regarding the salaries, men who

have entered the Service before 1919, I suppose that will react on future recruits. Supposing Indian Ministers want, as I believe they will, a certain number of Europeans for the Administration, do you not think that the retention of these rules, and emphasising them, would hamper the Ministers in the future in recruiting?—(Sir John Kerr.) We do not wish to express any opinion upon the policy of recruitment after the Constitution Act comes into force; that is a matter for the Government. We are concerned with the existing members of the Services who have entered the Services on certain statutory and other assurances.

82. You do not want to express any opinion on the future recruitment of your contemporaries?—No.

83. There is one thing about the abolition of higher selection posts. There is a distinction. Is there not a broad distinction between selection posts and ordinary posts? Every member of the Civil Service who joins the Service is entitled to run up to a certain salary, is he not, say about 2,500 rupees?—Yes.

84. But as regards the list, does it not imply that there is no lien on those posts?—There is no lien, but an officer who is reasonably efficient can justly expect that he will be given one of the selection posts, if he remains in the Service long enough.

85. And if the post remains there?—And if the post remains.

86. Now as regards the period of compensation, you have referred us to the Memoranda. It covers really about 35 to 40 years?—It may, yes.

87. Then it really means this, that the future Government will not be able to alter the constitution of the Services for the next 35 or 40 years?—I do not think that follows. There are not more than half-a-dozen posts in each Province, on the average, which would come under this provision. It is not a very serious matter financially, the retention of posts carrying pay at rates similar to the existing selection posts.

88. I believe you are aware that political opinion in India is rather emphatic on this point, at any rate, in Bengal it has been, as regards the abolition or reduction of the number of Commissioners?—My recollection is that, taking public opinion as represented in the

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Legislative Council, it is not unanimous on the subject. There have been discussions in the Legislative Council and opinion is, I think, divided. I do not think I should say, as far as my recollection goes, that opinion is anything like unanimous upon the subject.

89. Certainly the preponderance of opinion is in that direction, is it not?—No; I would not go so far as to say the preponderance.

90. You speak in the Memorandum about the financial stability of India, and for that reason it is desired by the Association that the Secretary of State should guarantee payment of salaries and pensions. I think also reference is made to certain announcements of the Congress. I should like to know whether you have in mind an apprehension that the future Ministers and legislators will deliberately refuse to pay the salaries of their civil servants or the pensions of the retired civil servants, or do you think the financial situation may be such in certain years that it may be difficult to pay?—(Sir Charles Fawcett.) We have to take into account possibilities, and we cannot exclude, having regard to examples and the spread of repudiation, the possibility that there may be repudiation by a future Ministry.

91. You are really relying upon what the Congress has said at one time or another, but can you, Sir Charles, identify the whole of political India with Congress?—No, quite so, but I can imagine at the time of the Irish Treaty questions of annuities arose. Another Government has come in, and those annuities are not being paid.

92. As regards the White Paper proposal, do you really think that the Constitution proposed is anything like the Irish Constitution?—I say the difference is that more safeguards are being provided. There were practically no safeguards in the Irish Constitution.

93. Can I really take it that what you are contending here is to uphold the safeguards proposed in the White Paper?—Yes; if this new Constitution is to come into force, we say the safeguards that are proposed should be retained, and even added to in some particulars.

94. Supposing the same powers go beyond your immediate purpose, that is guaranteeing certain payments that the

Government would be liable to pay—supposing they go beyond that and hamper the conduct of the Government of the future, would you insist on having the same safeguards in those general terms, as they are now?—This must be my own personal opinion, if you ask me a question like that. I should say yes, even although there may be some hampering. I think myself, under the scheme, Ministers will be given practically full powers in ordinary cases, and safeguards will operate only in exceptional cases.

Chairman.] Sir Abdur Rahim, before you proceed any further, I am sure you will bear in mind my request that, so far as possible, we should avoid political argument with witnesses who are serving members of the Indian Civil Service or who are speaking for such.

Sir Abdur Rahim.

95. I have that in mind; it is not always easy to avoid it altogether. I want to put one question for information. (*To the Witness.*) You have asked for compensation for voluntary retirement. I should like to know how many retired on the inauguration of the Montague Chelmsford Reform. Can you give us the figures?—(Sir John Kerr.) No, I am afraid we have not got any figures here, but the India Office could, no doubt, supply the figures.

96. I believe there were very few?—Very few compulsory retirements.

97. They retired because of these reforms?—You mean the proportionate pension retirements?

98. Yes?—I am afraid I have not got the figures.

Sir Samuel Hoare.] I am told it is, roughly speaking, 400 or 500 in all the Services.

Sir Abdur Rahim.

99. Now as regards the Lee concession, I should like to know if you could give us information as to what it amounts to on the whole—what is it in figures; what does it cost every year?—I am afraid I have no figures on that point.

Sir Abdur Rahim.] Perhaps the Secretary of State might be able to give us figures on that point: What is the cost

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of the Lee concession to India, the concession to the Services upon the recommendation of the Civil Services Commission, presided over by Lord Lee?

Sir Samuel Hoare.] I could not possibly answer a question like that.

Sir Abdur Rahim.

100. Perhaps you might have the information, because a great deal of controversy has been raised regarding it in India. It is something enormous. (*To the Witness.*) Now the ground on which the Lee concession was granted at the time was because of the rising prices of commodities. There was a tremendous rise in prices about that time?—I think it was a good deal more than that.

101. That was the main ground. I have not got the Report with me?—I have got the Report here.

Sir Austen Chamberlain.] My Lord Chairman, may I put to you as a point of order, what is the bearing of this examination on the problem immediately before us?

Sir Abdur Rahim.

102. I think the demand of the Service is this, that the Lee concessions must be retained?—I do not think you will find that in our Memorandum; it is in the abstract.

Sir Abdur Rahim.] That is why I put the question.

Sir Abdur Rahim.

103. There is one more question I want to ask, and that is regarding the income tax payable to the Government of India on pensions drawn by officers who have retired in this country. Have they to pay income tax on their pensions here to the British Exchequer?—(Sir Charles Fawcett.) Yes; those that are subject to United Kingdom income tax have to pay it.

104. I suppose you are perfectly aware that so far as income tax on salaries and pensions payable in India is concerned, it has to be deducted at the source before the payment is made?—I am quite aware of that, but these particular pensions are debts in London. Under our Act of Parliament of 1874, the civilian is entitled to £1,000 a year payable in England.

105. But out of the Indian revenue?—It has got to be provided by the Indian revenues, but the debt is an English debt; that is what our Counsel has advised us.

106. There are Indians also who are in receipt of pensions who have got to pay income tax?—If they reside in India, certainly they have to pay the Indian income tax; they come under the Indian Income Tax Act.

107. That is the ground upon which you claim exemption from Indian tax?—We say that the provision made for our protection is that we shall get £1,000 in England in sterling. That is the actual provision by an Act of Parliament.

108. Does that mean free from all taxes? Is that the stipulation?—No, it does not mean free from all taxes, but the existing law is such that if the Indian Legislature tried to impose Indian income tax on these pensions, we could resist that, because the Indian Legislature has no power to affect an Act of Parliament. That is the main point.

109. Are you stating the legal position?—I am stating the legal position, as supported by the opinion of an eminent constitutional lawyer, Mr. Morgan, K.C.

Chairman.] I have no desire to shorten the questions in any way, but I am bound to point out to the Committee and the Delegates that the time is almost now half-past twelve.

Sir Hari Singh Gour.

110. Referring to Memorandum 1, you say: "We submit, moreover, that an attempt should be made to define with greater precision the existing and accruing rights of members of the Services." You want a more precise definition of the existing and accruing rights of members of the Services. What is the genesis of your rights, existing and accruing?—The existing genesis, as I have already stated to the Committee, is that certain rights are secured by the Government of India Act.

111. Is that exhaustive of your rights? Whatever you have got is to be found in the Government of India Act?—I would not like to say that, because there are also some rights that may come under our covenants, the obligations that arise from the covenants.

112. Therefore, I ask you the question as to what is the genesis of your existing and

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accruing rights?—I would say mainly the Government of India Act, but, supplementary to that, there may be rights we may rely upon under our covenants or under custom and usage.

113. Then may I take it that your rights are dependant entirely upon the Government of India Act?—I also added, possibly custom and usage.

114. Would you give me any example of usage and custom?—I am afraid I have not looked into the question and I cannot offhand give an example.

115. You said "custom," of which you can give no concrete example, not even a single instance?—I cannot offhand, but I dare say I might be able to find one, if I tried.

116. You are aware that your Service is bound by the conditions laid down in the Civil Service Regulations?—Those are statutory rules, for the most part, under the Government of India Act.

117. Quite right; but those are the rules and regulations by which your Service is bound?—Some of them; I mean some have been superseded. The Civil Service regulations have been superseded, to some extent, by fundamental rules.

118. But whatever are the rules for the time being, your Service is bound by them. Is it not so?—I do not think the Civil Service regulations are the main rules now, because they have been so much superseded by other rules. I think they only govern the question of pensions, as far as I know at present, on the main point.

119. They deal not only with pensions. They deal with the abolition of posts; they deal with compensation; they deal with the duties that the Civil Servant may be called upon to perform and shall perform in conformity with the rules?—They certainly used to, but I believe they have been superseded.

120. I have the latest edition of 1929 which I obtained yesterday with all the amendments up to date, and these are your latest rules?—They are the main rules so far as they have not been superseded by fundamental rules.

121. Under these rules two things are clear: One is that "the Government of India reserve to themselves the right of changing the rules in these regulations regarding pay and acting allowance and leave and pension, from time to time at their discretion, and of interpreting their

meaning in case of dispute." That is Article 4 on page 2?—Yes, but that is subject to this: When it says that the Government of India reserves the right to change them as regards pensions, that is superseded by the provisions in section 96b (3) of the Government of India Act, under which even the Secretary of State cannot make a variation or addition which would adversely affect the pension of any member of the Service appointed before the date of that variation or addition.

122. The second point is "An officer's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned; to leave by the rules in force at the time the leave is applied for and granted; and to pension by the rules in force at the time when the officer resigns or is discharged from the service of Government." That is the second rule?—That is certainly the ordinary rule governing the case not only of an Indian Civil Servant but of provincial officers. In our case we have Acts of Parliament which are above these rules.

123. The third rule is "In all contracts for service in India to which the Secretary of State is a party provision is made for the exercise of these rights by the Government of India"?—That must all be subject to what the Government of India Act itself says. That is my point.

124. But the Government of India Act itself provides for the alteration of these rules from time to time and these three fundamental rules to which I have referred (not fundamental in the technical sense but principal rules to which I have referred) are the rules governing their service?—No; I do not agree because the rules may only be varied by the Secretary of State, not by the Government of India.

125. Is it your contention that the rules I have read out to you are inconsistent with the provisions of the Government of India Act?—I say they must be read subject to the provisions of the Government of India Act. That part of the rules comes down from a very early date when first Civil Service regulations were introduced.

126. I take it you do not contend that these rules in any way contravene the provisions of the Government of India

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Act?—I say they may be inconsistent in some cases; each case must be looked at.

127. Will you give me a single instance?—I have given you one instance. It says the Government of India can alter the rules about pensions. I say that is inconsistent with the provisions in the Government of India Act; that the only alteration in pensions rules can be made by the Secretary of State, and, in the case of the Indian Civil Service Pensions which are regulated by special Acts, they could only be altered by Parliament.

128. Will you please give me the words you rely upon of the Government of India Act?—Yes, Section 96B (3).

129. I have it before me. It is a very long section. Give me the exact words?—Sub-section (3) "The right to pensions and the scale and conditions of pensions of all persons in the Civil Service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of the Government of India Act, 1919. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to, but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof."

130. Which means that the members of the Service prior to the Government of India Act, 1919, are safeguarded, but that subsequently the Secretary of State has the power of varying and adding to the rules under that very Section. It means that, does it not?—But not so as to prejudice the rules about pension which apply in the particular case of any officer before he makes the regulation.

131. That is your addition to the Act. It is not there?—I say it is; it is in these words.

Marquess of Reading.] May I ask whether we are to sit and listen to a pure discussion as to what is the legal interpretation of the statute and the implications of it?

Marquess of Salisbury.] I beg to submit to the Committee that when a witness is answering a question it is not usual to press him after that. He answers the question, and that is the end of it. It is not usual, and it is not the practice in a Select Committee.

Sir Hari Singh Gour.] My next point is: Is there anything in the rules and regulations or in the Government of India Act which precludes either the Secretary of State or the Government of India from abolishing any of the posts?

Sir N. N. Sircar.] May I raise a point of order? Are pure questions of interpretation of the statute to be put to this witness? Are not questions as to what he thinks about the operation of the statute irrelevant?

Sir Hari Singh Gour.

132. The question I have put to the witness is this: Is there anything to prevent the Government of India from abolishing any post on any public ground?—(Sir John Kerr.) Yes, I think the Government of India would have to go to Parliament to abolish any post which is in the Schedule of the Government of India Act. Of course, Parliament could abolish, but the Government of India could not do so on their own authority.

133. That is your contention?—That is my belief; I am not a lawyer.

Mr. Morgan Jones.

134. Could we have the Schedule to the Act that is cited by the witness?—(Sir Charles Fawcett.) It is the Schedule referred to in Section 98 of the Government of India Act. I am afraid I have not a complete copy of the Government of India Act. Section 98 is the main section.

Marquess of Reading.] The Third Schedule.

Sir Hari Singh Gour.

135. You have stated that your rights are to be found in the covenant and in the Government of India Act. Will you please refer me to any clause in the covenant or the Government of India Act which entitles you to compensation for the abolition of a post at the discretion of the Government of India?—(Sir John Kerr.) In the existing Act it says "every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the Civil Service of the Crown in India shall retain all his existing or accruing rights, or shall receive such

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compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." That is the existing provision, and we say, in view of the legal opinions that have been given as to the effect of that provision, it is not a satisfactory provision. Now that the Act is going to be revised, we ask that that provision should also be revised and be more clearly defined.

136. It then comes to this: You want that a new provision should be inserted in the New Constitution Act which would enlarge your rights beyond what is interpreted to be your existing and accruing rights in the opinion of the law officers of the Crown?—That is so. Lord Peel expressed his intention of doing so a good many years ago.

Sir Phiroze Sethna.

137. Sir Charles Fawcett, on the subject of Income Tax, I understood you to say that on the amount of pensions received by people permanently residing outside India you do pay the British Income Tax?—(Sir Charles Fawcett.) If you are a resident in the United Kingdom and are liable to it.

138. Of course, I assume that; you do?—Yes.

139. As the British Income Tax is higher than the rate charged in India, may I know the reason for the preference that you show to pay a higher rate?—We do not prefer it. We have to pay it unfortunately.

140. You are preferring it because you do not choose to pay the Indian rate?—I could avoid it by going and living in India, but not otherwise.

141. If you stayed in India you could pay the Indian rate, and not pay here, if you allowed the Government of India to deduct at the source?—If I resided in India, possibly, but I have retired to my own country.

142. As this is a matter between the two Governments, namely, His Majesty's Government and the Government of India, and as perhaps the non-collection of tax on salaries and pensions means a loss in revenue to the Indian Exchequer of nearly 50 lakhs of rupees, or more than £300,000, would you still object to the Government of India collecting tax at the source if the two Governments agreed on that point?—I dispute your premise that it means any loss. At pre-

sent the Government of India do not collect any Indian Income Tax on pensions payable in England.

143. That is a loss to India. India claim that it is their right to collect that tax, and they are deprived thereby of a revenue of £300,000 or over. Supposing the two Governments agree, would your association still have an objection to allowing the Government of India to collect the amount of tax on Indian pensions paid out here?—Of course we would. We say we have a right to receive our pensions out here without any deduction of Indian Income Tax and we could go to the Courts and get a decree to that effect.

144. And pay a higher rate here?—We have to pay that in any case.

Sir Austen Chamberlain.] Anybody who resides here must pay at the higher rate, whether they do or do not pay elsewhere.

Sir Phiroze Sethna.] If the two Governments agree that on the pensions payable to retired civil servants and others the Government of India could collect the tax there, then I do not think these pensioners would have to pay a second time over.

Sir Austen Chamberlain.] Yes; they would, unless the law here is changed.

Sir Phiroze Sethna.

145. I am not aware of that. Sir John Kerr told Mr. Zafrulla Khan that in his opinion there was enough work for the Commissioners. I ask Sir John if that is not a matter of opinion, because he must be aware that individuals and associations have urged in some of the provinces that the Commissionerships could be conveniently abolished and their numbers reduced. I also ask Sir John if he is not aware that, owing to retrenchments in several provinces, the number of executive councillors and of ministers has been reduced, and, notwithstanding that, the work has been carried on as satisfactorily as before. I would therefore ask, supposing a particular province does decide in favour of abolishing or reducing the number of Commissionerships on the grounds that they are not needed, and also on the ground of retrenchment, would he still object to their numbers being reduced, or to these officers being abolished?—(Sir John Kerr.) I do

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not object to anything. If the Governments in India can convince the Secretary of State that these posts ought to be abolished, and if the Secretary of State agrees with them, there is no question of objection from me or from any other Member of the Service. We should accept the decision naturally, but what we do say in that case is that the Members of the Service who entered before the abolition took effect should be compensated in some way for the loss of these posts.

146. Your reply would mean that there would be no relief to the provinces which are badly in need of retrenchment?—Not immediately; ultimately there would be.

Mr. Rangaswami Iyenger.

147. I have only two questions: One refers to the safeguard of the existing and accruing rights. I take it that what you want is that these words "existing and accruing rights" should be expanded in their meaning much further than the law officers of the Crown interpreted them to mean in 1923, and, secondly, that you want that this right of compensation for existing and accruing rights should be extended to people who have been appointed subsequent to the Act of 1919. Is not that so?—I did not quite follow the latter part of that question.

148. I want you to let me know whether what you want in regard to the existing and accruing rights is, first of all, that the existing and accruing rights should not be subjected to the narrow interpretation of the law officers? Secondly, that they should be extended to people who have been appointed since the Act of 1919. Is not that what you claim?—Yes, we ask for equal treatment for all officers who are in the service at the date of the commencement of the Constitution Act.

149. I am asking you whether your claim is that the present rights should be extended to those appointed after the Act of 1919?—Yes.

150. That means, I take it, that you feel that at present they do not possess these existing and accruing rights. Is that so?—We say that "existing and accruing rights" as defined or interpreted by the law officers does not carry

out the original intention of Parliament. I have here a long despatch from Lord Peel, I think it is April, 1922, in which the whole question is discussed at great length. It is a very complicated question, and if we could refer the Members of the Committee to that despatch it might be helpful. I do not think any object would be gained by discussing the matter at great length. It is a very complicated question.

Sir Austen Chamberlain.] Perhaps we may have that despatch put in the evidence?

Chairman.

151. Very well?—It is a despatch of 1923. It is reported in the Lee Commission Report, page 46.

Mr. Rangaswami Iyenger.

152. Can you tell me why you think that the words "accruing rights" should be differently interpreted, and how it should be put? Have you any formula for the purpose?—(Sir Charles Fawcett.) We have suggested that in paragraph 2 of Memorandum 1. We have made the definite suggestion, "Accruing rights should be deemed to include reasonable prospects in the career to which a person holding an appointment in the civil service of the Crown in India could look forward at the time of his recruitment; and the decision as to what are reasonable prospects in the case of individuals or of the Service as a whole should rest with the Secretary of State and his advisers." That is a definite suggestion we have made.

153. Your suggestion is that those words should be put into the text of the new Constitution Act?—I dare say they could. I do not see any objection.

154. The other question I want to ask is this: You recollect that there was a 10 per cent. cut effected in the services by an amendment of the Act at the instance of the Secretary of State last year. Supposing that the necessities of Indian finance require a similar operation in the future when the new Constitution is put into operation, what would you suggest the Indian Cabinet should do with a view to effecting a retrenchment which they moved the Secretary of State to obtain from Parliament?—They would

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presumably have to approach the Secretary of State again and ask him to submit a proposal to Parliament.

155. Therefore, if the Secretary of State, accepting the advice of the Indian Cabinet, once again proposed that a 10 per cent. cut on salaries should be similarly effected by an amendment of the Act, you would have no objection?—I should probably have great objection if I were an officer concerned in the matter, but I could not object to Parliament as the final authority passing legislation of that kind.

156. Therefore, when a State feels the necessity for reducing what you may consider to be your guaranteed rights, if Parliament in its wisdom says "In the public interest we must impose this hardship on the Civil Service," although it may be to your distaste that a reduction of your salary is necessary, you do not object. Why do you think the Indian Legislature should not possess the power to abolish posts?—Because the abolition of posts is on a different footing from a temporary reduction of salary.

157. That is true, but if the position of Indian finance is such that the demand is really beyond what they can afford; if that position arises in India, why do you think they should be put under a greater disability than at present in respect of effecting that reduction?—I do not see that they would be under any greater disability. It would always be open to Parliament to effect any alterations they proposed.

158. I ask why, if you are prepared to submit to the authority of Parliament in a matter of that kind, you should refuse to submit to the authority of the Indian legislature?—Because the Service has been recruited by the Secretary of State under certain guarantees, and those guarantees can only be abrogated by the Secretary of State with the sanction of Parliament, which approved those statutory guarantees.

159. In other words, you distrust the Indian legislature?—Not necessarily. I say the Indian legislature must convince the Secretary of State and Parliament.

Sir Tej Bahadur Sapru.

160. Will you kindly turn to Memorandum 1, paragraph 1? You say there that there are 899 Members of the

Association. May I ask you to tell us how many of these 899 are Indians, or are there any Indian Members at all?—(Sir John Kerr.) Yes, there are a very large number of Indians. In Bengal I think every Member of the Indian Civil Service except two is a Member of the Association, including all the Indians.

161. Are their views on the questions on which you have given evidence to-day the same as yours?—I cannot say the whole 899 have exactly the same views as are expressed in these papers, but I have received by air-mail a letter from the Central Association expressing their entire approval of our representation, of which a draft was sent to them.

162. My question was whether the Indian Members of the Indian Civil Service who belonged to your Association have been consulted, and whether you are representing their views also?—Certainly.

163. You are representing their views?—Yes.

164. Out of these 899, how many would you say are Indians?—I could not tell you that.

165. Roughly speaking, about how many?—We never make any distinction between an Indian Member and a European Member; they are all the same and we have not got any statistics on that point. If you look at the Civil List you will see Indian names lumped up with British names, and if you like to count them you can, but in the administration of the service, and in the matter of this Indian Civil Service Association, there is no distinction whatever between the British Members and the Indian Members.

166. I do not say you make any difference, but there might very naturally be a difference of opinion between them and you on certain questions?—We have not heard of any. I think if there had been any points on which the Indian Members felt strongly and differently from other Members of the Service we should certainly have heard about it. We have not heard about it. These gentlemen who have just come from India have not heard about it either.

167. So far as you gentlemen are concerned I take it that when you entered the Civil Service you signed a Covenant?—Yes.

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168. Does that Covenant contain an exhaustive list of the rights to which you are entitled?—No; I do not think it contains any list of our rights at all; it puts us under several restrictions.

169. Therefore, from your point of view, the position is very unsatisfactory?—No; I would not say that. We have our rights under the Government of India Act, and before that Act was passed there was previous legislation.

170. Therefore, the rights you claim are statutory rights not arising wholly or mainly from the covenant?—They hardly arise at all from the covenant. They arise from the statutes and from the various regulations that have been made by the Secretary of State from time to time.

171. As a matter of fact the Secretary of State has from time to time framed certain rules, for instance, the classification rules or the fundamental rules, which govern one aspect or another of your Service?—Yes.

172. And these rules can be modified by the Secretary of State under the existing Constitution?—By the Secretary of State in Council.

173. I am not making any distinction. They can be modified by the Secretary of State in Council?—They can, and, I think, in some cases, they have to be laid before Parliament.

174. In some cases they have to be laid before Parliament?—Yes.

175. So that the rights that you claim are not fixed rights; they vary from time to time according to the rules?—They can be altered by the Secretary of State if he can obtain the sanction of Parliament.

176. Quite; I admit that. In point of fact between 1920, when the Reforms Act was passed and now, or, say, 1930, a good many rules have been passed by the Secretary of State. In some instances your rights have been defined, or in some Statutes certain other conditions of service have been laid down?—Yes, that is so, but I am reminded that when the fundamental rules were introduced by the Secretary of State in Council Officers were given the option of coming under the fundamental rules or of remaining under the old Civil Service Regulations.

177. Will you kindly turn to page 120 of the White Paper, Appendix VII. May I invite your attention to the opening

portion of that "List of principal existing rights of officers appointed by the Secretary of State in Council." I take it that these rights are rights which you claim by virtue of the Statute or the statutory rules, and not by virtue of any contract?—Item 18 is the right of certain officers to retire under the regulations for premature retirement. There is nothing statutory about that.

178. Rules framed under Section 96B (3). The Secretary of State, so far as I know, has no other power to frame rules. I will put it to you like this: Most of these things that are described as rights spring out of the statute or rules under the statute framed by the Secretary of State from time to time and they are not what you would call contractual rights arising out of your contract?—Yes; that is correct.

179. They are rights conferred on you by Parliament?—Yes.

Sir Austen Chamberlain.] Why are those rights conferred by Parliament not contractual rights?

Sir Tej Bahadur Sapru.] It is open to Parliament to confer any rights on them, and whether they are in the covenant or not they will be enforceable.

Marquess of Salisbury.] Is it not of the essence of the contract that there is protection by Parliament. That is the very essence of it.

Sir Tej Bahadur Sapru.] Not by agreement, but by statute. That is a question of policy.

Marquess of Reading.] Let us get this clear. When you are talking of contract you mean something which has been agreed between the parties in terms.

Sir Tej Bahadur Sapru.] That is so.

Marquess of Reading.] And forms the agreement.

Sir Tej Bahadur Sapru.] That is so.

Marquess of Reading.] When the witnesses are talking of it, they mean rights which accrue in any form and particularly under the Parliamentary statute, which granted certain rights subject to certain powers of the Secretary of State. That is the position as I understand it.

Sir Tej Bahadur Sapru.

180. That is the position. Naturally, you as Members of the Service, or retired Members of the Service, want that the rights which have been conferred on you by Parliament by the Statute or by

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rules framed in accordance with the Statute should be preserved?—(Sir Charles Fawcett.) Yes.

181. That is your position?—We certainly want them preserved.

182. And those rights should be preserved, notwithstanding that Parliament may in its wisdom grant India responsible government? That is your position, I take it?—We say that the British Government is in the saddle, and when it is going to make a change of giving further government to Indians it should prescribe certain conditions, such as the man in possession may to a party who wants to take over.

183. Now, so far as the protection of your interest is concerned, what would be the rights? You have been accustomed to look up to the Secretary of State as your protector?—Yes, that is so.

184. And he is the authority who enforces those rights, if there is any breach of the rights?—In general, that is so.

185. In future, when there is responsible government of India, you would like the Secretary of State to continue to exercise precisely those functions which he at present exercises in respect of your rights?—Yes; we want that to continue.

186. And you do not want to make any distinction between the man who entered the Civil Service before 1919 and the man who entered the Civil Service after 1919?—No. We think that the pace at which things have gone has been so fast that it would not be within the normal expectation of the latter that it would go the extent it has.

187. According to your view of the matter, do the men who entered the Civil Service, say, in 1920, or at any time since 1920, stand exactly on the same footing in regard to these rights as the men who entered the Civil Service before 1919?—We do not say that they do under the law, because the law does make a distinction between persons appointed before and after 1919.

188. I am asking you from your point of view. You think it expedient and desirable that those men should also get the protection that you yourself have had?—We think it just that they should.

189. The present position, however, according to your point of view, is not very satisfactory so far as those men are concerned?—No; they have not quite the same protection.

190. Do you think, from your point of view, or from the point of view of those men, that the position would be satisfactory if the Governor-General in India, in regard to those men, exercised the right which the Secretary of State had exercised with reference to you, in his own discretion?—I think I may say that we prefer that the Secretary of State, who was given the authority by Parliament to appoint us and to lay down our conditions, should be the authority still; not the Governor-General.

191. I take your position to be that the Secretary of State will be your first choice, but you would not object if the Governor-General was the final authority in regard to the enforcement of those rights?—I am afraid I have no instruction to say one thing or the other.

192. I will not press that point any further?—(Sir John Kerr.) I should like to say that our reliance is upon Parliament, and the Secretary of State is directly responsible to Parliament. That is why the Services claim to remain under the Secretary of State, and not directly under any authority in India.

193. Now, taking those officers who joined the Service after 1919, taking the question generally, you think that the present safeguards are not adequate or sufficient. That is your view, is it not?—(Sir Charles Fawcett.) I think we have generally accepted the safeguards; but we have added some points on which we want things cleared up or supplemented.

194. One of the things that you want cleared up is the meaning of the expression "accruing rights"?—Yes.

195. I take it your position is that you do not accept the opinion of the Law Officers of the Crown, which was taken by Lord Peel, as doing justice to your claims?—I do not think Lord Peel accepted it as doing justice to our claims. He referred the question to the Lee Commission; and the Lee Commission made a somewhat vague recommendation that it should be left for the Secretary of State to decide any hard cases that arose.

196. My point is that you do not accept the position taken by the Law Officers of the Crown?—I do not say we do not accept it. I quite recognise that their authority is probably correct as to how the expression "accruing rights"

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in the ordinary way should be interpreted. I do not quarrel with that; but I say that was not the intention, and that it conflicts with certain rights of the Services as regards reserved posts, and therefore in the new Act this point should be cleared up, and provision should, under some limitations, be made to cover this particular point.

Lord Winterton.] I feel I ought to make an explanation, because Lord Peel is not present, and it is not quite correct to say that Lord Peel did not accept the correctness of the Law Officers' Opinion.

Witness.] I am sorry. I did not mean to say that.

Sir Tej Bahadur Sapru.

197. You have noticed the position so far as Judges of the High Court under the new Constitution are concerned?—Yes, I see that.

198. Supposing in any case in the High Court only one member of the Civil Service is appointed a Judge of the High Court, say, when the total strength is nine, under the existing law there must be three, but in future let us assume that the Governor appoints only one man, then I take it that the Civil Service would be entitled to claim compensation for the loss of two appointments on the Bench?—I think it is quite possible that claims to compensation might be made by particular individuals who have suffered in consequence of this abolition of reservations.

199. It is not a question of abolition?—Putting an end to a certain reservation.

200. It is Parliament now which is abolishing, or is proposing to abolish the reservation in favour of the I.C.S. It is not reserving it. Will you, in a case like that, claim compensation? This is a proposal in the White Paper?—It is a little difficult to say exactly what would be done.

Chairman.] Sir Tej, may I interrupt you for one moment? I want to have a word or two with the Committee and the Delegates before we rise to-day. If you require much more time, I shall stop you now.

(The Witnesses are directed to withdraw.)

Ordered, That the Committee be adjourned to Tuesday, the 13th June, at half-past Ten o'clock.

Sir Tej Bahadur Sapru.

201. I shall not require much more time. I shall finish in two or three minutes. (To the witness.) What is your experience of the working of the Public Service Commission in India?—I am afraid I have had no experience of it. I went to a lecture that Sir Wilberforce Ross Barker gave on the subject. He gave an account of how it had worked, and it did not seem that it had been very much use so far as regards Service matters. (Sir John Kerr.) We have had no instructions from our Association in India to express any opinion upon the working of the Public Service Commission.

Chairman.] I am sure Sir Tej will not desire to take you over that ground.

Sir Tej Bahadur Sapru.

202. If you have no instructions and are not prepared to give any opinion about the Public Service Commission, I will not question Sir John about it; but may I ask you one further question? Do you think that the system of appointing Councillors to the Secretary of State to protect your interests will be as good an arrangement as the Secretary of State in Council at present?—(Sir Charles Fawcett.) I understand it is only a reduction in numbers, and that they will not have the same statutory powers.

203. But in certain matters, under the proposals, they may practically over-rule the Secretary of State or prevent his successor from taking any other action?—Possibly. There is some provision, I believe, that rules as to the conditions of the Services should be concurred in by the majority of the Council.

204. Are you satisfied with that?—(Sir John Kerr.) I do not think that the Services quarrel with that provision in the White Paper; they are prepared to accept it.

Chairman.] Sir Tej, I am sorry. I am going to stop the Inquiry now, with your permission, and put your name down as continuing at the next Session. I very much hope that these gentlemen will be able to return on the 13th. I shall make enquiries in the ordinary channels as to whether that is possible. Perhaps the witnesses would be good enough to withdraw at this stage.

Die Martis, 13° Junii, 1933

Present:

Lord Chancellor.
Marquess of Salisbury.
Marquess of Zetland.
Marquess of Linlithgow.
Marquess of Reading.
Viscount Burnham.
Lord Ker (Marquess of Lothian).
Lord Hardinge of Penshurst.
Lord Irwin.
Lord Snell.
Major Attlee.
Mr. Butler.
Major Cadogan.

Sir Austen Chamberlain.
Mr. Cocks.
Sir Reginald Craddock.
Mr. Davidson.
Mr. Isaac Foot.
Sir Samuel Hoare.
Mr. Morgan Jones.
Sir Joseph Nall.
Lord Eustace Percy.
Miss Pickford.
Sir John Wardlaw-Milne.
Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.
Nawab Sir Liaqat Hayat-Khan.
Sir Akbar Hydari.
Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
Sir P. Pattani.
Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

Sir C. P. Ramaswami Aiyar.
Dr. B. R. Ambedkar.
Sir Hubert Carr.
Mr. A. H. Ghuznavi.
Lieut.-Col. Sir H. Gidney.
Sir Hari Singh Gour.
Mr. Rangaswami Iyenger.
Mr. M. R. Jayaker.
Mr. N. M. Joshi.
Begum Shah Nawaz.

Sir A. P. Patro.
Sir Abdur Rahim.
Sir Tej Bahadur Sapru.
Sir Phiroze Sethna.
Dr. Shafa' at Ahmad Khan.
Sardar Buta Singh.
Sir N. N. Sircar.
Sir Purshotamdas Thakurdas.
Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., Sir CHARLES GORDON HILL FAWCETT, Mr. KENNETH NEVILLE KNOX, C.I.E., Mr. FRANK BURTON LEACH, C.I.E., Mr. A. C. GREEN, Mr. FREDERICK WYNNE ROBERTSON, and Mr. PHILIP CUBITT TALLENTS, C.I.E., are again called in and further examined as follows:—

Chairman.

205. My Lords and Gentlemen, before I ask Sir Tej Bahadur Sapru to resume his examination of the witnesses it may, I think, promote the despatch of business if I remind the Committee and the Indian delegates that it is neither customary nor expedient that witnesses before a Joint Select Committee should by question be pressed further than may be necessary fully to elucidate their opinions upon the matters as to which they are speaking, including of course, the views expressed in their written representations. It follows that no one conversant with Parliamentary usage would infer that when a Member of the Committee or a Delegate refrains from

questioning a witness on any particular point such Member or Delegate is to be assumed to agree with the views expressed by the witness. Silence connotes not agreement with the witness' views but merely that those views are clearly understood. I understand that the witnesses desire to make a statement about an answer which they gave to a question on the last occasion when they were before the Committee, and I think it might be convenient that that statement should be made at this stage?—(Sir John Kerr.) The matter is the question of the financial effect of the abolition of the higher posts. I said the other day that I thought there would be no immediate saving. We

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have gone into the figures and we think we can safely say that there would be an immediate saving for this reason: In a province with 5 Commissioners at Rs. 3,000 a month, if you abolish those 5 posts you get an immediate saving of Rs. 15,000 a month. Under the scheme which we have placed before the Joint Select Committee an allowance of Rs. 500 would be attached to 5 posts on the time scale to compensate the service for the loss of the Commissioners' posts. The cost of those 5 allowances would be only Rs. 2,500, so there would be an immediate saving of Rs. 12,500 a month in the matter of the pay of the services. There would be a further saving which may be estimated at roughly Rs. 2,000 or 3,000 a month on the Commissioners' office establishment, and there would be yet a third saving because if you reduce the cadre of the service in any province by 5 posts you would curtail recruitment and you would save to that extent.

Sir Tej Bahadur Sapru.

206. Supposing your rights relating to your salaries, allowances and pensions were embodied in a contract, which they are not at the present moment, with the right to you to sue according to your option in the event of any breach against a future Government how would you view it?—As far as I know the service would prefer to remain in its present position under which its rights and privileges are embodied in the statute or the statutory rules. (Sir Charles Fawcett.) The idea of a legal right of that sort for all the services was considered, and I understand dropped, because of various difficulties about it.

207. What has been your experience about the relations between Indian Ministers and Members of the Services who have been working in their Department?—(Sir John Kerr.) As far as my experience goes in Bengal and Assam, the relations were always good.

208. Could anyone kindly tell us what has been the state of things in other provinces, in the United Provinces, or Bihar or Bombay or Madras?—(Mr. Knox.) I belong to the United Provinces. I have not myself worked in very close touch with a Minister but, as far as I know, the relations between Civil Servants and Ministers have on the whole been excellent.

209. Would you also tell us about the relations either in the Viceroy's Executive Council or the Provincial Council between the Indian Members of the Executive Council and the Members of the Services?—(Sir John Kerr.) I have no experience of the Viceroy's Council, but in the Provinces where I was there was no difference in the relations between the Indian Members and the Members of the Services.

210. Leaving aside the attitude of the Members of the Council and the Members of the Ministries, what has been the line taken by the Legislature of India with regard to the Civil Services?—I do not think in the provincial councils the legislature has hitherto had any great concern with the Civil Services. Their pay is non-voted. It does not come before the Council in the Budget. There are occasional questions of the conduct of individual officers, or the treatment of individual cases which come before the Council, but it is impossible to give a categorical answer in regard to matters of that kind.

211. When the Lee Commission Report was published, you will remember there was a debate in the Legislative Assembly?—I am afraid I do not. I was not in Delhi at that time. I was in Assam, I think.

212. You remember that the recommendations of the Lee Commission in regard to certain matters were some of them attacked in the Legislature?—Yes.

213. The general line of attack was that the Indian Legislature was never consulted with regard to some of the recommendations. Am I right or wrong?—I cannot remember the details of that discussion. I remember there was a discussion, but what the result was I do not know.

214. Will you kindly turn to paragraph 13 of your Memorandum. Will you kindly look at the last sentence and explain what you mean, because the meaning is not quite clear to my mind: "The Federal Government should, therefore (as indicated in Sir Samuel Hoare's statement), be required to establish and maintain trust funds for meeting the obligations in question, and a special responsibility for seeing that the payments are made should rest with the Secretary of State and the Governor-General until this is done." Are you

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there referring only to the Family Pension Fund or any other kind of Funds?—(Sir Charles Fawcett.) The particular reference there is to provident funds.

215. With regard to these trust funds would you kindly give us some idea of the amount of money that would require to be deposited with the Secretary of State or invested in England, roughly speaking?—I can give roughly what I was told the India Office had estimated the particular amounts at. As regards the question of Family Pensions for all the Services, I remember that the amount was put at roughly £11,500,000.

216. £11,500,000, roughly speaking?—Yes.

217. Can you give us some idea as to what it would be for the ordinary pensions apart from the Family Pension Fund?—My recollection is that they put that at about £25,000,000.

Sir Samuel Hoare.

218. I think Sir Charles Fawcett was quoting that as the opinion of the India Office. If that is so, that is not the figure given by the India Office. The figure was a much higher figure for the ordinary pensions?—Perhaps it was for Indian Civil Service Annuities.

219. I think we are probably at cross purposes. Our figure included both the military and civil pensions; your figure included only the civil?—Yes.

Sir Samuel Hoare.] The figure, including both military and civil pensions, is about £50,000,000 sterling, very roughly.

Lieut.-Col. Sir H. Gidney.

220. I would like to ask some questions In Memorandum No. 1, paragraph 16 (d), in the last five words of this paragraph there is a reference to the minimum rate of exchange "in the case of other sums". What exactly do you mean by "other sums"?—That refers to the question of provident withdrawals and gratuities, possibly, that would not come under the head of pensions.

221. You mean gratuities?—First of all, I mean provident fund withdrawals which are referred to in the beginning of that paragraph—withdrawals from the provident fund.

222. In paragraph 5 of Memorandum No. 1 it is suggested that movements of the Indian Civil Service should be placed before the Governor by the Chief Secretary?—Yes.

223. Arising out of that reply I should like you to let me know whether you consider this would interfere with the status of the Minister and place the Chief Secretary in a higher position than the Minister with regard to the Governor?—(Sir John Kerr.) No; the position would be naturally that the Chief Secretary would take the orders of the Minister in the first instance, and would then place the matter before the Governor.

224. Do you hold to the same request irrespective of the service or nationality of the Chief Secretary, or do you assume that he will be an officer of the Indian Civil Service?—He always has been in the past, but whatever officer is holding the post of Chief Secretary, and is responsible for the posting of officers, would we suggest be required to place the matter personally before the Governor.

225. Would you have any objections if the order were reversed and let the Minister consult the Governor and see the Governor in consultation with the Chief Secretary?—Yes. We think that the Chief Secretary who has to deal with all the security services would be in a better position to place the matter before the Governor than the Minister, who only deals with his own Department.

226. Another question: Do you consider that if the control and administration of the Indian Civil Service were handed over to the Government or to the Governor-General and taken away from the hands of the Secretary of State it would interfere or prejudice the recruitment of suitable officers into the Service?—I did not catch the last part of the question.

227. If the control were taken away from the Secretary of State and placed in the hands of the Government of India would it interfere with the standard of British recruits that you are at present getting for the Indian Civil Service in India?—I think we said on the last occasion that we had no instructions to deal with the question of future recruitment. We are dealing with the officers at present in the service.

228. With regard to the objection raised or the desire expressed by you of the retention of the control of the Indian Civil Service by the Secretary of State, and having regard to the very

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widely expressed opinion in India that this should be handed over to the Government of India, would you have any objection if this should take place or would you consent to this taking place provided the Indian Civil Service Officer in cases of a grievance or anything else had the right of appeal to the Secretary of State?—Yes; we want the present arrangement to continue.

229. What I want to try to get a reply to is this: If the Indian Civil Service were handed over to the Government of India would you accept that if you had a right of appeal to the Secretary of State?—No. I think the service would not accept a compromise of that kind as satisfactory.

Mr. F. S. Cocks.

230. I would like to ask Sir John Kerr a few questions on this question of the "accruing rights". It is a fact, is it not, that the Law Officers of the Crown have given a definition or their opinion of what "accruing rights" mean?—Yes; in the Government of India Act.

231. Can you give us the exact wording of that opinion?—Yes. This is a despatch from Lord Peel, dated 26th April, 1923. It will be found in the Lee Commission's Report in page 47. What Lord Peel said was "I am advised that the words 'accruing rights' in Section 96B (2) mean all rights to which Members of the Civil Services are entitled whether by statute or by rule having statutory force, or by regulation in force at the time of their entry into service. They do not, however, include prospects of promotion except in cases where the promotion is no more than advancement by seniority to increased pay as in the case of the various appointments borne upon the ordinary lists of time-scales of pay. In particular they do not apply to general expectations of possible appointment to offices such as those of Commissioner of a Division, which are not included in the ordinary time-scale lists, and the filling of which involves selection by merit." Shall I go on reading? There is a good deal more of it.

Marquess of Reading.

232. Do you mind giving us the year?—26th April, 1923.

Sir Austen Chamberlain.

233. I hope Sir John will read whatever he thinks material to his point of

view?—Very well, Sir. Then he went on to say: "I am advised accordingly that the abolition of such appointments would give rise to no claims to compensation except to persons who were actually holding them at the time of their abolition. I am further advised that no method of filling such appointments, which is not inconsistent with the Statute, even though it reduced the expectations of members of a particular Service, would give rise to any claim to compensation on the part of any person whose actual tenure of an appointment was not thereby affected. Lastly, I am advised, that the proviso to Section 96 B (2) applies not only to loss of rights (as defined above) resulting from the provisions of rules framed by the Secretary of State in Council in pursuance of the provisions of that sub-section, but also to a loss of rights resulting from rules or laws made by other authorities in exercise of powers delegated to them under the provisions of the same sub-section by the Secretary of State in Council." Then Lord Peel went on to say: "The foregoing represents the strictly legal results which, so far as they can be ascertained without reference to defined circumstances, must be held to flow from the actual words of this sub-section, and it is my intention to bring the situation which thus emerges to the notice of the Royal Commission on the Services as a matter for their consideration in its bearing on general service conditions, and with special reference to the observation of the Joint Select Committee on the Government of India Bill 'that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited.' For it is clear that administrative changes might result in a loss of selection appointments so considerable as seriously to prejudice the reasonable prospects of the services. If, in my opinion, such a situation should arise I shall not fail to examine it with a view to determining in accordance with what I conceive to be the intention of the Joint Select Committee and of Parliament what measure of relief can be granted to the services affected."

Mr. F. S. Cocks.

234. As far as the opinion of the Law Officers of the Crown is concerned, it may be taken that these words cannot

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be taken to cover loss of office such as is involved in the abolition or the reduction of the number of positions filled by selection only?—That is so.

235. I take it you would agree with that?—So far as the opinion of the Law Officers goes that is undoubtedly so.

236. Could you say how many Commissionerships there are in the service reserved to the Members of the Indian Civil Service?—There are 24 in the Provinces, we know. We are not quite certain about the Punjab. In Madras, there are no Commissioners; there are Members of the Board. I should think there are probably about 30 altogether in the whole of India.

237. How many officers are there in the Indian Civil Service now appointed by the Secretary of State in Council?—1,077, or something of that sort. That excludes the Central Provinces. There are between 1,100 and 1,200.

238. The prospects of a certain member ever rising to the position of a Commissioner is about one in 40?—No, Sir, because the Commissioners are on the executive side. The Service is divided into two sides, the Executive and the Judicial, and the prospect of rising to a Commissionership is open only to members on the Executive side.

239. How many are there on that side?—I should think about half.

240. The prospect of one person ever rising to a Commissionership is about one in 20?—No. Nobody can rise to a Commissionership until he has put in, I should say, at least 25 years' service, and by that time the selection of men to act as Commissioners is confined to quite a few officers at the top of the time-scale.

241. What I am endeavouring to put is that the prospect of the young officer on entering into the Civil Service on that side ever rising to the position of a Commissionership is 1 in 20?—No, Sir, not at all. I would not admit that. His prospect of rising to a Commissionership is almost certain provided he is a reasonably efficient officer and takes the Executive side.

242. I should be very much obliged if you would explain it a little to me, because it seems to me if there are only 600 people who are entitled to 30 positions, that must be the proportion?—A Commissionership is a post which is only held by an officer for a few years at the end of his service. The selection

of officers to be Commissioners when there is a vacancy is made from a small number of collectors with roughly between 20 and 25 years' service. Those are the officers who have an immediate prospect of promotion to Commissionerships, and they probably do not number more than 10 or a dozen at any one time.

243. I am saying that the prospect of a Junior Officer on entering the Service of ever rising to a Commissioner is 1 in 20?—No, he does not rise to it immediately. That would be correct if directly 20 officers arrived in the country one of them was chosen to be Commissioner immediately; but that is not so; he is not chosen to be a Commissioner until he has put in at least 25 years' service, and by that time the number of contemporaries amongst whom the selection is made has dwindled down to quite a small number.

244. Is it your proposition that a certain number of officers, say, next below the rank of Commissioner, should receive the pay of a Commissioner?—The pension of a Commissioner is the same as that of any other Member of the Service. Supposing Commissionerships are abolished the suggestion is that they should receive the pay which the Commissioner would have received if the Commissionership had not been abolished.

245. Even although they were not doing the work of a Commissioner?—Yes.

246. Is it your view that the number of these special positions would diminish as the proportion of officers who have entered before the new constitution also diminished?—Yes.

247. You are aware that the highest rank in the Royal Navy is that of Admiral of the Fleet. Are you also aware that there are certain people who think of that position as a rather superfluous one, and that it might be abolished with reasonable economy?—No, Sir, I am not aware of that. I am not an authority on that.

248. Would you say that the British Government would have no right to abolish that rank without compensating the youngest midshipman for the loss of his accruing very distant rights?—I would rather not express an opinion on the naval question.

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249. Is there any distinction between the two Services?—I do not think the questions are the same. The Royal Navy is not being placed under the control of Indian Ministers as far as I know.

250. Surely that is not the point. The point is the abolition of the highest paid rank. This is my last question. If you are a Member of a Government Service, and the Government, for reasons of high policy, decides to abolish some of the most highly paid positions, do not you think that that must be taken as one of the ordinary disappointments of life that fall to the lot of man?—If you enter a Service under a Statute which definitely says that posts of Commissionerships shall be open to you, and if you abolish Commissionerships, we suggest that the Members of that Service are entitled to some measure of compensation.

Marquess of Salisbury.

251. Sir John, I observe that in paragraph 7 of the first Memorandum, towards the end of it, you draw a distinction between the budgetary provision for the compensation necessary to the Services and the possibility of providing the actual funds to meet the budgetary provisions?—Yes.

252. Have you any reason to think that there would be a difficulty in providing the funds to meet the budgetary provisions?—We anticipate, Sir, that there may be difficulties connected with the provincial budget. I am dealing only with the Provinces at present, because the provision in regard to the Central Government is different. But in the Provinces the budget will be a statement of appropriations, as far as we understand it, of three kinds. There will be the appropriations which are entered in the budget under the authority of the Governor and the Minister and the Legislative Council acting jointly. Then there will be a second class of appropriations which have been refused by the Legislative Council but restored, certified by the Governor on the advice of his Minister. Then there will be a third class consisting of what are called non-voted items which will not be submitted to the Legislative Council at all, but which will be put in by the Governor in the exercise of his special responsibilities. A further point is that it is laid down in paragraph 47, page 23,

of the introduction to the White Paper that "A special responsibility for the financial stability of the Province would not be imposed on Governors." We take it from that that the Governor will be bound to act in regard to the budget on the advice of his Ministers, and we know from experience in the past 12 years that the tendency of the Ministers is to over-budget. We apprehend, therefore, that towards the end of the year the actual money available for Provincial expenditure will not suffice to cover the budget appropriations, and we suggest that as the Secretary of State and Parliament are going to have a special responsibility for the contentment and legitimate welfare of the all-India Services, the Governor should be placed in the position to lay hands on the actual sums required to pay those Services, if necessary. There will be some sort of a banking account for the Provinces, either with the reserve bank, or otherwise, and we suggest that the Governor should have a credit at that bank of the sum; it will not be a very large sum in relation to the total provincial revenue. We suggest he should have a credit at that bank for the amount required to meet his special responsibilities. We suggest that it is no good giving special responsibilities unless at the same time he can be sure of being placed in funds to carry them out.

253. I suppose that the special responsibility carried with it the power to impose taxation, if necessary. You do not think it does?—It would, no doubt, do that, but the sum would be relatively small, and we think it would hardly be worth the while the Governor incurring the odium and difficulty of imposing special taxation against the will of the Legislature in order to find the funds which it is generally admitted must be found.

254. Then you go on a little later in paragraph 10 of your Memorandum to point to another source of anxiety. You say: "Having regard to the hostile declarations of the Congress Party, the possibility of a policy of repudiation, such as has been adopted by the Irish Free State, cannot be ignored." You have grounds for saying that, have you, Sir John Kerr?—(Sir Charles Fawcett.) Sir John asks me to answer that. I should like to make the position clear. So far as I am responsible for this particular

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statement, and the Association with which I am connected, and, I think, the Civil Service generally, the position they take up on this matter is this—they do not side with actual prophecies as to how things will go on in India under the proposed reforms, but what they say is that the reforms will involve a weakening of the security that pensioners in this country have hitherto had for payment of their pensions out of Indian revenues and for reasons that have been stated there are dangers of repudiation or default which should be guarded against in the new Constitution; and if things go all right, as some prophets say they will, there will be no need to fall back upon these proposed safeguards. Meanwhile we say their mere existence benefits India by calming anxiety and thus contributing to its financial credit at a vital stage, before Indian Ministries have had time to gain the confidence in their good faith and competent management of the finances, that is necessary to maintain that credit, and that their mere existence will also help to discourage a policy of repudiation or deliberate default. That is how I would like to put the position. We do not actually say there will be these defaults.

255. I did not suggest you did, but there are certain hostile declarations that you speak of which have inspired, you believe, anxiety in the matter?—Yes.

256. I did not, of course, suggest for a moment that you anticipated there would be repudiation, but that was one of the points to be guarded against?—Yes.

257. What were these declarations that you referred to?—I had in mind particularly a Report that was made by a Special Committee of the Congress Party in which they examined all the debts and external obligations and recommended that certain debts were not in the interest of India, and therefore, should be repudiated. That was the general line of repudiation suggested; and also there has been a lot of declamation in the vernacular Press in India that I used to see on this particular point.

Sir *Hari Singh Gour*.

258. Did the Congress ever repudiate the salaries and pensions of the Indian Civil Service at any time, or was it not really with regard to the public debts, and they wanted an Inquiry? There was

no question of repudiation. They wanted an Inquiry. Is that not so?—Yes, I think that is right; that they suggested an Inquiry with a view to this subsequent repudiation.

Sir *Hari Singh Gour*.] Confined to public debts, but no reference to salaries of Civil Servants or their emoluments and pensions.

Viscount *Burnham*.

259. Can we have the authority for these statements?—(Witness.) That may be the case with regard to that particular Report, but the Press has constantly urged that these pensions are a great drain upon the country, and that they are given to aliens and that this drain should cease.

Marquess of *Salisbury*.

260. At any rate, the upshot is that you say in the closing words of the First Memorandum: "It is impossible to exaggerate the feelings of apprehension and anxiety with which this momentous change is regarded by many members of the Services." Of course, I do not want to put more into those words than they ought to carry, but you are speaking in the name of a large number of the members of the Services in making that observation?—(Sir *John Kerr*.) Yes; there is a distinct feeling of anxiety and unrest among the Services.

261. You have reason to know that?—We have reason to know that, yes; that is why we are asking for these various safeguards.

262. And that is among the serving members. It is not merely the view from looking back on the thing but actual serving members feel that, do they?—Yes.

Marquess of *Reading*.] May I ask one question upon that, my Lord Chairman?

Marquess of *Salisbury*.] If you please.

Marquess of *Reading*.

263. The language is so wide that I think it may carry an implication further than either the Noble Marquess intends or Sir *John Kerr* intends. As I understand, will you tell me if I am correct, or not, Sir *John*, following what you have said, the observations which you have made about apprehension and anxiety are the apprehension and anxiety of the Services, as to their future position, and as to the effect upon them of

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the changes that may be made unless the greatest care is taken to make their position secure?—Yes.

264. That is how I have understood it, but you are not intending by the use of this term “apprehension and anxiety,” referred to in the Memorandum, to suggest anything of a political nature?—No.

Marquess of *Reading*.] I only wanted to get it clear.

Marquess of *Salisbury*.

265. And it is only with reference to the tenor of your Memorandum, I suppose?—Yes.

266. It is as to the interests of the Service that you are anxious?—Yes; from a Service point of view, the main change is described in the previous sentence: “the coming Constitution Act will put every Service and nearly every officer under the control of authorities responsible not to the British Parliament but to an Indian Legislature, and possessing experience, training, outlook and ideals, differing widely from those that have animated the men who have hitherto been responsible for the administrations of the country.” That is the change to which we refer.

Marquess of *Salisbury*.] That is just what I understood; thank you very much. That is all I have to ask.

Viscount *Burnham*.

267. Sir John Kerr, may I put to you one or two questions in regard to the reduction in the number of Commissionerships in Divisions in British India, which was raised last time, and has been mooted again this morning. Am I right in thinking that the post of Commissioner exists in every one of the Provinces, except Madras?—Yes, that is correct.

268. Then in Madras you have also, have you not, I do not say in place of it, but to some extent related to it, a Financial Board of supervision?—A Board of Revenue, yes.

269. Then do I understand that on administrative grounds (and I am not going to ask you beyond that) you think any further reduction of the number of posts of Commissioner would be detrimental to administration?—Yes, personally I think it would.

270. In Madras the work of a Commissioner, I suppose, is done by a Collector?—No, Sir, not entirely. The difference is this—it is rather a technical matter, but in Madras there are the members of the Board of Revenue, among whom the Revenue administration is divided by subjects, that is to say, one man is responsible for the Land Revenue, another is responsible for the Excise Revenue, another is responsible for the Forest Revenue, and so on. In the other Provinces the jurisdiction is divided territorially, that is to say, one Commissioner is responsible for all the Revenue administration in a group of five or six districts. Whereas in Madras one man exercises jurisdiction over the whole Province, but only in respect of one branch of the administration.

Sir A. P. *Patro*.

271. There are only three members of the Board of Madras. There is no more original work to be done by the Board of Revenue in the Madras Government?—There is no original work of the Commissioners.

Chairman.

272. Sir John, can you speak with confidence to this point. I am only anxious that the Delegate should not put into your mouth matters as to which you do not desire to speak?—I take it his question is that the members of the Board do no original work. The answer to that, I think is that the Commissioners do not do any original work originally; they are supervising authorities.

Sir A. P. *Patro*.

273. Is it not the fact that they are intermediaries between the Collector and the Secretariat?—No, they are very much more than that; they stop a great deal of work from coming up to the Secretariat altogether; they dispose of it themselves.

274. Is it not in regard to certain old regulations, under the Government regulations, there are certain powers to dispose of work in regard to these offices, but beyond that they have no original work to do in the Board of Revenue?—I could not speak of the details of the Madras administration, because I have never served in Madras.

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Viscount Burnham.

275. I am only asking generally: in the opinion of your Service, does the existence of this Financial Board make up for the absence of the Commissioner?—It is a controversial point. I think the opinion of most of the other Provinces is that the Madras system is not so good as the system in Northern India. The opinion of Madras probably is that the Madras system is better than the system in Northern India.

Mr. Rangaswami Iyenger.

276. Are you aware that the Madras Government has been for some time past keeping in direct consideration the abolishment of the Board of Revenue?—No, I am not aware of that.

Viscount Burnham.

277. May I ask you, Sir John, whether a Collector's duties are both judicial and administrative? Whether the Collector in his district has not judicial functions, on the one hand, as well as his administrative duties in respect of finance?—Yes. To the extent that he is a District Magistrate, he has judicial duties to perform.

278. Are you of opinion that it would weaken administration throughout British India if he were deprived of either of these functions?—Yes, that is my own personal opinion, certainly, and I think it is the general opinion of the Service.

Mr. Butler.

279. Do I understand, referring to paragraph 7 of your Memorandum regarding the financial provisions and referring also to proposal 69 of the White Paper, the words: "The Governor can make at his discretion any rules which he regards as requisite to regulate the disposal of Government business" and, further, under paragraph 70 (c) his special responsibility for services, whether Sir John Kerr does not think that if the Governor interpreted his duties according to proposal 69 and his special responsibilities in proposal 70 (c), it would not be possible so to regulate business that there was money in the Provincial Treasury, so that the anxiety of the Services would be met in this very important point?—Proposal 69, as I understand it, authorises the Governor to make any rules which he regards as

requisite to regulate the disposal of Government business. I do not know that that as it stands would enable him to lay his hands on actual money which he required.

280. Would it be possible for him so to regulate business with the Provincial Treasury that there would be money available for the charges to which Sir John Kerr refers?—If the proposal as it stands would be sufficient for that purpose, it would meet our point, but we doubted whether it was, as a matter of fact, sufficient to cover that point. It enables him to make rules to regulate the disposal of Government business, and we regarded that as equivalent to the present rules of business in the various Governments in India. They each have their rules of business which are confined to the routine disposal business, the officers who are to deal with certain classes of files, and so forth. We did not regard that as covering the case of a Governor placing himself in funds in order to discharge his special responsibilities. We think that requires amplification if it is to cover that point too.

Marquess of Zetland.] May I ask the Secretary of State a question on that point, with a view to elucidating it? Is it not the intention that the non-voted items should be a first charge on the Provincial Revenue?

Sir Samuel Hoare.] Yes, certainly, but I think Sir John's difficulty is not entirely removed by that answer. I imagine he would say (he will correct me, if I am wrong) that although it was a first charge on the Revenue, there might not be the money there; that it would be impossible for the Provincial Governor to prevent any expenditure of any kind in any other field of administration until he had got his money for the Services for the whole year, and to hold up the payment everywhere else until he had got the money in the till. I would have thought the only practical way to deal with it was to give the Governor power, first of all, to know what is happening with the finance, and, secondly, to see that expenditure is not made in the course of the year that is going to prevent the pay and the pensions of the Services being met; but I do see great practical difficulty in the Governor holding up every kind of other

13^o Junii, 1933.] Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
 Sir CHARLES GORDON HILL FAWCETT, Mr. KENNETH NEVILLE KNOX, C.I.E., Mr.
 FRANK BURTON LEACH, C.I.E., Mr. A. C. GREEN, Mr. FREDERICK WYNNE ROBERTSON
 and Mr. PHILIP CUBITT TALLENTS, C.I.E.

expenditure at the beginning of the year until he has accumulated sufficient funds for the payment of the Services for the whole year.

Marquess of Reading.] May I ask a question on that? I only want to put a question with regard to the interpretation, so that we may not get at cross purposes on it. I do not know whether from Mr. Butler's question it is suggested that these words in paragraph 69 have a wider meaning than would ordinarily be understood by the Indian Civil Servant who has been accustomed hitherto, as Sir John has pointed out, to an almost technical meaning of rules of business. There are so many rules of business. If it is intended to give it a wider signification, as far as I am concerned, it would answer my point, because it is then merely a question of finding language that meets it.

Sir Samuel Hoare.] No. As at present drafted, this clause is not intended to cover those kind of powers; it is restricted to the kind of field that Sir John Kerr has just described. Whether it should include these further powers or whether there should not be another provision specifically for the purpose, is another question.

Marquess of Salisbury.

281. I understand Sir John Kerr to suggest a sort of suspensory account upon which the Governor could draw, and so cover the possibility of the Treasury being out of funds?—(Sir John Kerr.) What I am suggesting has, I am afraid, not been quite clearly understood. We do not suggest that the Governor should interfere with the financial administration of the province. Under a scheme of provincial autonomy, such as the White Paper contemplates, the budget will necessarily be administered by the Finance Minister, but what we say is that the Finance Minister and the Legislative Council between them may spend all the money there is available before the end of the year, so that for the last few months of the year there would be no pay forthcoming for the Services. What we suggest is that the Governor should have a separate account in the banking institution with which the Province deals and that that separate account should be kept in funds from provincial revenues to the extent that is

necessary to enable the Governor to meet these special responsibilities. Take the case of the All-India Services: I do not think in any Province their pay would amount to more than 50 lakhs, or something of that kind, whereas the provincial revenues are probably 12 crores or more. We suggest that on the 1st April there should be paid into the Governor's account in the reserve bank of India a sum of 50 lakhs which would enable the Governor to pay the Services throughout the year. It need not all be paid in a lump sum; it could be paid in two instalments or more instalments.

Marquess of Reading.

282. I want just to put one question with regard to that. The whole point, as far as I understand it, turns merely upon the question of how an obligation which is not in dispute has to be met, and that you want to make it secure that there will be funds available to meet it. That is the whole point of this?—That is the whole point.

283. There is no division of opinion, as far as I have understood it, at any time either from our Indian delegates or from us here as to the fact that the money has to be paid. The only question is you are seeking to make it quite clear that there should be an account from which it can be drawn. Surely it is not a matter upon which we need waste five minutes; we are all agreed it has got to be done, and I am quite sure there will be no question about it by our Indian delegates. The only point about it is to find language to meet the particular points so that there would be money available to meet it without the possibility of it arising, such as Sir John suggested?—And we want it to be provided in such a way that the Governor will not have to interfere with the financial administration of the Province generally.

Sir Abdur Rahim.

284. Then the salaries are to be removed from the budget?—No, they are going to be non-voted.

285. They are non-voted now?—Yes.

286. Then according to your proposal the salaries would no longer appear in the budget, if there is to be a separate fund?—We do not propose to interfere at all with the financial scheme set forth.

13^o *Junii*, 1933.] Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
 Sir CHARLES GORDON HILL FAWCETT, Mr. KENNETH NEVILLE KNOX, C.I.E., Mr.
 FRANK BURTON LEACH, C.I.E., Mr. A. C. GREEN, Mr. FREDERICK WYNNE ROBERTSON
 and Mr. PHILIP CUBITT TALLENTS, C.I.E.

in the White Paper, but we do suggest that the White Paper requires to be supplemented in regard to the actual provision of funds. The salaries will be placed in the budget, as I understand it, and they will be open to discussion in the Legislature, but they will be non-voted; they will not be submitted to the vote of the Legislature.

287. They are to be non-voted, but I thought you meant there would be separate funds?—A separate account on which the Governor can draw.

Marquess of Reading.

288. But you do not think it is quite clear that he has got the power to draw upon it at present. That is your view?—Yes.

Lord Irwin.

289. I only want to ask Sir John one question on that. Would it be his view that as a matter of routine, in all Provinces from the word "Go," the money for the pay of the Services should be paid to a suspense account—to a Governor's account?—It is a matter of financial detail which I think wants more working out, but something of that kind.

290. I mean some special arrangement?—Some special arrangement to make the pay of the Services secure.

291. You would not feel that it was a sufficient security that a power should be vested in the Governor in some appropriate fashion, as suggested by Lord Reading, for the Secretary of State to intervene if he saw things going financially amiss?—We are afraid that might be too late.

292. The only other question I wanted to ask you was related to another matter, and was whether Sir John could give us any approximate figure of the proportion of Indian Civil Service people who in fact complete, say 25 years' service, of those who enter?—At present or in the future?

293. At present?—Of course, until the system of proportionate pension was introduced, everybody completed 25 years' service unless he died earlier or was retired on an invalid pension. In the last 12 years a certain number of men have gone on proportionate pension. I think Sir Samuel Hoare gave the figures the other day as 400 or 500 for the whole of the All-India Services. I do not think

I have any figures beyond that. The great majority of the members complete their full service for pension.

Chairman.] Sir Tej Bahadur Sapru, you were good enough to refrain from putting a question just now. Perhaps you would care to deal with it at this stage?

Sir Tej Bahadur Sapru.] With regard to the statement that apprehensions arise with regard to the repudiation of debts or obligations of the Congress, I wish only to draw Sir John's attention to a statement made at the Round Table Conference by Mr. Gandhi himself. Some of us were under that misapprehension and he set it right; that is to say, in connection with those financial safeguards. "In this connection I want very respectfully to say that the Congress has never suggested, as it has been viciously suggested against it, that one single farthing of national obligations should ever be repudiated by the Congress. What the Congress has, however, suggested is that some of the obligations which are supposed to belong to India ought not to be saddled upon India and should be taken over by Great Britain. You will find in these volumes a critical examination of all these obligations." Those volumes refer to certain volumes which he had got prepared and which he submitted here. "I do not propose to weary this Committee with a recital of these things. Those who would care to study these two volumes may, and I have no doubt will study them with considerable profit, and they will perhaps discover that some of these obligations should never have been saddled upon India. That being the case, I feel that if one knew exactly where one was it would be possible to give a decisive opinion." Then he goes on to deal with other matters.

Viscount Burnham.] Whose statement is that?

Sir Tej Bahadur Sapru.] Mr. Gandhi's statement at the Round Table Conference.

Viscount Burnham.] An authorised statement?

Sir Tej Bahadur Sapru.] An authorised statement.

Marquess of Reading.] He read a document at the Round Table Conference in which he declared he was by resolution of Congress a mandatory delegate. With

13^o Junii, 1933.] SIR JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
 SIR CHARLES GORDON HILL FAWCETT, MR. KENNETH NEVILLE KNOX, C.I.E., MR.
 FRANK BURTON LEACH, C.I.E., MR. A. C. GREEN, MR. FREDERICK WYNNE ROBERTSON
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regard to repudiation there was a good deal of discussion at that time as to what was meant, and it was limited in that way and also by reference to documents, but it does not get rid of the point that was raised by Sir John Kerr that there had been some talk (that is all one need say) of repudiation at some stage on the part of Congress.

Sir Tej Bahadur Sapru.] All I wish to point out is that in the first place, although some of us shared that misapprehension, Congress has not repudiated its financial obligations. That is the point Mr. Gandhi is making, and in the second place, if you look into all the resolutions of Congress, I venture to think you will not find anything with regard to the services of Europeans or Indians.

Marquess of Salisbury.] I was not quite sure that I heard you quite correctly. I understood Mr. Gandhi in that statement distinguished between obligations and things which he considered were not obligations.

[Sir Tej Bahadur Sapru.] I do not think that is fair to Mr. Gandhi, if I may respectfully say so. He was only talking here of financial obligations, the charge against Congress and Mr. Gandhi being that they had repudiated them, and he said in this speech that it was not a correct charge.

Sir Samuel Hoare.] I do not carry it in my memory exactly, but I seem to remember that he did somewhere question the liability for pensions, not that payment should not be made of pensions, but who should pay the pensions.

Marquess of Salisbury.] That is the point.

Sir Samuel Hoare.] I think his general contention was that there should be some Body set up to decide who was liable for pensions of this kind, the Government of India or the Government of Great Britain. My memory, if it is correct, leaves the answer rather obscured. I do not quite know what his answer was.

Sir Tej Bahadur Sapru.] We can get that examined, but my recollection is that there was no question raised at any time by Mr. Gandhi or anybody with regard to these pensions of the Services.

Sir N. N. Sircar.] I think in the open Congress Mr. Gandhi said that the Congress had the right to investigate every debt, and to find out the validity of every debt, and what was said at the Round Table Conference was quite

consistent with his previous statement, that is to say, he will not repudiate such debts as, after investigation by the Congress, are found to be legitimate debts. That is my recollection; I am open to correction.

Marquess of Salisbury.] Examination by Congress?

Mr. Rangaswami Iyenger.] That is very incorrect as far as I remember the Congress.

Mr. M. R. Jayaker.

294. May I draw the attention of Sir John Kerr to page 90 of the Proposals of the White Paper? That is the composition of the Central Legislature, Appendix II. If you look at Column one, it gives the total number of seats for British India 250. In addition to that, the States have 125 other seats which are not mentioned here, and out of these 250 total number of British India seats general seats are 105, and the special seats, including the minorities and special interests, are 145. The Congress can only come in out of those 105 general seats; 145 are not yet invaded by the Congress, if I may say so. Having regard to this constitution of the Central Legislature, do you think your apprehensions are well founded, of Congress manipulating the Central Legislature?—(Sir John Kerr.) We cannot prophesy, but, as we understand it, there is a party in India which is in favour of repudiating some of what have been hitherto regarded as India's obligations, and we apprehend that their proceedings may extend to obligations such as pay and pensions, and that they may in time secure a majority for their views in the Legislative Councils.

295. I was asking you, having regard to the fact that sufficient care has been taken to have very conservative elements in the Central Legislature, as these figures indicate, do you think that your apprehensions are really well founded?—Presumably Congress will endeavour to convert the other parties to its views and it may be successful.

Chairman.

296. Before I ask the witness to withdraw, I should like to ask them whether there are any particular points as to which they would like to speak at this stage. I am quite prepared to re-examine them on any matter or give

13th Junii, 1933.] Sir JOHN HENRY KERR, K.C.S.I., K.C.I.E., [Continued.
 Sir CHARLES GORDON HILL FAWCETT, Mr. KENNETH NEVILLE KNOX, C.I.E., Mr.
 FRANK BURTON LEACH, C.I.E., Mr. A. C. GREEN, Mr. FREDERICK WYNNE ROBERTSON
 and Mr. PHILIP CUBITT TALLENTS, C.I.E.

them an opportunity of making any statement that they desire to make. Have you anything to which you wish to speak at this stage, Sir Charles?—(Sir Charles Fawcett.) Yes, there is just one point I want very briefly to make an explanation on. At the previous Hearing on a question whether the general rules known as the Civil Service Regulations are part of the contract of each member of the Civil Service, I want to say that I understood the question to refer to the actual covenant that each member of the Indian Civil Service enters into before his appointment to the service, and my reply that most of the existing rights are not contractual but statutory, was based upon that supposition. I was not thinking of the wider contract of service which is involved in the appointment of an officer to a public service in regard to the general conditions of service that he may expect to exist, or that are known to exist. There is only one other point. I was asked if I could give an instance of a case where there was a right neither statutory nor contractual but under usage, and I could not off-hand give one, but I can now mention the case of what is known as casual leave which is liberty to an officer to absent himself for short periods from his office and work, with the permission of his superior officer, for a strictly limited number of days, without his being obliged to take formal leave and without any loss of pay. Article 308 of the Civil Service Regulations that dealt with that expressly said that casual leave "is not subject to any rule" except that it should not be taken so as to cause evasion of certain provisions of the regulations. Similarly, when the fundamental rules were published there was a memorandum of the Government of India in which they said "casual leave is even now not subject to any rule." So I say this is a case where the basis of that right or liberty is usage that has come down from very early days, either of the British Government or before that, and you cannot say that that particular right is a statutory one, or under any rules under the statute.

Chairman.] I must give the Committee and Delegates an opportunity of examining you on that statement if they wish to do so.

Mr. Rangaswami Iyenger.

297. You do not mean to suggest that this liberty to take casual leave is not a general inherent right in all officers?—I admit that.

298. That is a kind of right which is justiciable, or which is liable to compensation, if it is curtailed from 15 days to 10 days?—I would not say that, but I would say if a Provincial Government suddenly brought in a rule that if an officer absented himself from his work in this way as casual leave that he should lose pay for those days, there would be a case for the service to remonstrate and possibly claim compensation. I only quote this as a case which you cannot say is a right derived from statute.

299. It is a question of the conditions under which the pay is paid, and in all public offices where there are administrative duties this leave is taken as a matter of course. You do not want any statutory authority for it?—No; I was only asked to give an instance, and I say I have given an instance.

Chairman.] It is suggested that this point is not sufficiently important to warrant any of us pursuing it any further. I must leave the matter in your hands to decide.

Sir Hari Singh Gour.

300. If it is not of sufficient importance I do not wish to pursue it. I just want to point out that the concession, if it is treated as a right, is a contradiction in terms?—(Sir John Kerr.) I want to make one more brief statement before I go, if I may, especially on behalf of the officers still in active service. We hope the fact that we have dealt almost entirely with questions of pay and pension, and so forth, will not give the Committee the impression that these are the only things that we are interested in. As we explained in our representations they are the only questions upon which the Members still in active service can express their views. They cannot go into political issues or political changes, but the service is keenly interested in the future and the welfare of India, and they earnestly desire to serve it under the new conditions as faithfully and as loyally as they have tried to do in the past.

Chairman.] Thank you very much.

(The Witnesses are directed to withdraw.)

13^o Junii, 1933.]

[Continued.]

Sir PATRICK JAMES FAGAN, K.C.I.E., C.S.I., F.R.A.S., Mr. E. B. LOVELUCK, Mr. WILFRED HAROLD SHOOBERT, Mr. EUSTACE ARTHUR CECIL KING, Mr. HENRY ROBERT HARROP, Mr. FREDERICK WYNNE ROBERTSON, Sir EVAN COTTON, C.I.E., Mr. HAROLD LANCELOT NEWMAN and Mr. STEPHEN LEONARD SALE are called in and examined.

Chairman.

301. Sir Patrick Fagan, you and these other gentlemen are here to speak to us as representatives of the European Government Servants' Association?—(Sir Patrick Fagan.) Yes, Sir, and also the Indian Police Association and the All-India Civil Engineers' Association. We have joint representations.

302. Might I have, first of all, Sir Patrick, quite shortly, your services in India?—I went to India in 1887. I served nearly the whole of my time in the Punjab with the exception of a short period in the Bikaner State. My service was mainly in districts. I was Settlement Officer for several years, some five or six years, District Officer for another six or seven years, Commissioner for another five years, and I ended my service as Financial Commissioner in the Punjab, which corresponds to a Member of the Board of Revenue in other Provinces. I occupied that post for about six years and retired, after about 35 years of service, in the year 1923. (Mr. Shoobert.) I entered the Indian Civil Service in 1920 and served in the Central Provinces as Assistant Commissioner; my services were placed at the disposal of the Assam Labour Board from April, 1923, to March, 1925, and I officiated as Chairman of the Board for three months in 1924; I was Officiating Deputy-Commissioner, Central Provinces, in 1925, and Superintendent of Census operations in 1930. I command the Nagpur Regiment, Auxiliary Force, India, and am an Honorary A.D.C. to the Viceroy. (Mr. King.) I entered the Indian Police as Assistant Superintendent of the United Provinces in 1908, and became District Superintendent in 1922. In charge Special Branch C.I.D. 1921-22; Assistant to Inspector General of Police 1925-33. (Mr. Harrop.) I entered the Indian Educational Service in 1910 as Headmaster of the Government High School, Cawnpore. I was Inspector of Schools of the United Provinces in 1914; I was on military service from 1915 to 1919. I was Assistant Director of Public Instruction of the United Provinces in 1921. I am Deputy-Director of Public Instruction and have been in that post since 1926. I was Officiating Director of Public

Instruction and Deputy-Secretary of the Education Department of the United Provinces in 1929, 1930 and 1932. (Mr. Robertson.) I entered the Indian Civil Service in 1909, and served in Bengal as Assistant Magistrate and Collector; I was Assistant Settlement Officer in 1913, Joint Magistrate and Deputy-Collector in 1915. I was on military duty from August to October, 1918. I was Magistrate and Collector in 1922. I was Secretary of the Board of Revenue, Bengal, in 1923, and Officiating Commissioner in 1930. (Mr. Newman.) I entered the Indian Forest Service in 1901 as Assistant Conservator of Forests, Bombay. I was Deputy-Conservator of Forests in 1907, Conservator in 1922, and Chief Conservator in 1928.

Mr. Loveluck.] I entered the Indian Police in 1902 and served in Madras. I became District Superintendent in 1911, Acting Principal Police Training School, Vellore, 1912; Principal 1922-23; In charge Railway Police, South Indian Railway, 1923-26; Selection Grade District Superintendent of Police 1926-29 and retired in October, 1930.

Sir Evan Cotton.] I was called to the Bar (Lincoln's Inn) in 1893; practised at Calcutta Bar for 13 years; was member of the Calcutta Corporation, 1900-6; Editor, 1906-17, of "India"; M.P. (L.) for East Finsbury, 1918; was Deputy-Chairman of the L.C.C., 1914-15. I served on the Advisory Committee at the India Office in connection with the Government of India Act, 1919; was President of Bengal Legislature, 1922-25; and was Member of Indian Historical Records Commission (Chairman, 1923-25).

Mr. Sale.] I entered the Indian Civil Service 1914 and served in the Punjab as Assistant Commissioner; was Officiating District and Sessions Judge, 1922; and Legal Remembrancer and Secretary, Legislative Department, 1928.

303. You have put in a series of Memoranda. I hope that your copies are numbered in the same way as those that have been handed to the Committee and the Delegates are numbered. Would you just run over the memoranda to which you wish to speak?—(Sir Patrick Fagan.)

13^o Jun'y, 1933.] Sir PATRICK JAMES FAGAN, K.C.I.E., C.S.I., [Continued.
F.R.A.S., Mr. E. B. LOVELUCK, Mr. WILFRED HAROLD SHOEBERT, Mr. EUSTACE
ARTHUR CECIL KING, Mr. HENRY ROBERT HARROP, Mr. FREDERICK WYNN ROBERTSON,
Sir EVAN COTTON, C.I.E., Mr. HAROLD LANCELOT NEWMAN and Mr. STEPHEN
LEONARD SALE.

The main one is the Joint Representations from the three Associations. Attached to that are four Appendices.

304. Those Documents are numbered 3 and 4 in the hands of the Committee and Delegates?—In addition to that there is a joint abstract of that representation which I have mentioned, and the repre-

sentation of the Indian Civil Service Association which the Committee has heard.

305. That is No. 5?—No. 5.

306. You have also been good enough to hand in your opening remarks. Perhaps we may take those as read? They have been circulated to the Committee. Is that agreeable to you?—Certainly.

Documents Nos. 10, 3, 4 (Appendices), and No. 5 are handed in, and are as follows:—

MEMORANDUM 10. REMARKS OF SIR PATRICK FAGAN IN OPENING THE CASE FOR (1) THE ALL-INDIA ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS, (2) THE INDIAN POLICE ASSOCIATION,* AND (3) THE ALL-INDIA CIVIL ENGINEERS' ASSOCIATION.

My Lord Chairman,

I do not propose to submit any very lengthy observations in opening the case for the Associations in view of the fact that their submissions have been fully set out in a form which it is hoped is clear and intelligible.

The general scope of the representation and the constitution and strength of the three Associations are set out in paragraphs 1 and 2, the contents of which I need not repeat.

2. As representatives of officers of Government still in active service we are on the present occasion concerned only with matters relating to the Services, and with that part of the White Paper which deals with Service questions.

In submitting this representation the Associations recognise that some effort has been made in Part VI of the White Paper to safeguard the interests and to allay the deep and widespread apprehensions of the Services in India; but the Associations are by no means satisfied, and they do not feel that the provisions contemplated are adequate.

3. By universal admission the general project of Indian Constitutional Reform and the proposals implementing it must involve very far-reaching constitutional and administrative changes, and it is the effect of these on the official status, position, conditions of service, rights and legitimate interests of their members that the Associations have in view in submitting this joint representation for the careful and sympathetic consideration of

the Joint Select Committee. The members of the Associations desire to continue their service in and for the benefit of the land which they have chosen as the scene of their lifework; but they urge with the utmost emphasis that in order to render possible the accomplishment of that desire their existing and accruing rights shall receive by statute, in the most complete form possible, all necessary, proper and reasonable protection as set out in the Representation; and that if it is found inevitably necessary to deprive them of any of these that they shall be given fair and adequate compensation.

4. May I make one further preliminary remark: we as representatives of the Associations on this most important and critical occasion feel that our duty compels us to be frank and outspoken. We trust that nothing that we may say will be construed as intended to hurt needlessly anyone's feelings. To do so is the last thing we intend or desire.

5. Existing rights, and the safeguards at present attached to them have been outlined in paragraph 4, and I do not think that it is necessary for me to add anything at present.

6. Let me now turn to Parts II and III of the Representation, in which are set out as clearly and as succinctly as has been found possible, under 12 different heads, the protection and safeguards for which the Associations respectfully press.

I will touch as briefly as possible on some of the more important points, leaving further details for the answers to the questions which will doubtless be addressed by the Committee to my colleagues and to myself.

* Representatives on behalf of this Association will also attend separately to give evidence on other matters.

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[Continued.]

7. It is a special concern of the Associations that provision for rights, safeguards and protection should to the utmost extent possible be embodied in the new Constitution Act itself or in its schedules as part of it, and not in the form of rules made by some authority under the Act. They feel that by the former method a greater degree of certainty and permanency will be secured.

8. The matter of accruing rights referred to in paragraph 6 (a) is one of great importance and has for a considerable time been on a dubious footing as shown by the contents of Appendix III. The Associations respectfully urge that it should be placed on a clearer basis in accordance with the submissions now made.

9. In paragraph 6 (b) appears a matter to which the Associations attach great importance: the grant of a compensation gratuity for loss of career in case of premature voluntary retirement on proportionate pension. This subject is more fully developed in paragraph 9. The claim for this is based mainly on the very relevant and important consideration that under prospective constitutional and administrative conditions there will in most cases be very real and decided elements of practical compulsion in a premature retirement which purports to be voluntary. As I have already stated, officers desire to continue their service; and most of the cases of premature voluntary retirement will be cases of officers who would not have retired, or thought of retiring, had it not been for the necessity forced on them of working in an entirely novel official and professional environment, involving far-reaching changes in the authorities to whom they will be immediately subordinate; apprehension of adverse official treatment or discrimination based on considerations other than professional qualifications; removal of the attractions of service for able administrators inspired by legitimate ambition; aversion to increasing administrative inefficiency—which is admittedly to be anticipated—together with other aspects, all combining to render further service highly distasteful or indeed intolerable. Much of course will depend on the attitude of Indian Ministers, but that is, to say the least, a matter lying in the region of speculation.

10. Paragraphs 6 (d) to (g) are all of importance but no special remarks about them appear to be needed from me at this stage.

11. Paragraph 6 (h).—This submission is based on the consideration that the present practice of requiring formal approval of service in the posts concerned before grant of the extra pensions or gratuities thereby earned is in reality unnecessary, as it is the duty of a Government to revert an officer who in the course of his tenure of such a post is found to be inefficient, leaving him to appeal if so advised.

12. Paragraph 6 (i).—This important matter is fully dealt with in Appendix IV. There is no suggestion of a *droit administratif* with its special courts. All that is asked for is the guarantee afforded by the fact of the Governor's sanction for the actual existence of a reasonable and legitimate cause of action or complaint. But the Associations consider that local Governments should be required to recoup costs to an officer who is successful in such litigation.

13. Paragraph 6 (c) and 11.—The important subject of the security of pensions is dealt with in Paragraphs 6 (c) and 11, to which we would invite particular attention. The submission of the Associations is this:—that the British Government should guarantee due payment of all pensions, service and family, and of provident fund deposits, payable from the Revenues of India to members of the Services embraced by this representation; such guarantee to be based on the security of adequate sterling funds invested in this country, or on such other security as the British Government may deem adequate having regard to its estimation of the future financial solvency of the Indian Government and of its continued readiness to meet pensionary obligations. Hitherto as noted in Sub-paragraph 1 of Paragraph 11 the Services have had reasonable ground for confidence in respect of pensions. Under prospective constitutional conditions the position will be entirely altered. It is the British Government which is proposing to introduce these changed conditions and it is to be presumed that it has at least reasonable confidence in their future financial stability. That confidence unfortunately is by no means shared by the Associations, the members of which are indeed keenly apprehensive regarding their pensions from the point of view of the possible future insolvency of or of repudiation by the Indian Government. They therefore consider it eminently fair and reasonable to press for a guarantee such as has been outlined,

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[Continued.]

and to ask that the British Government, if it has confidence in the future, should remove the grave apprehensions of the Services by a measure which, if its confidence is well-founded, will cost it little or nothing. The suggestion made in Sub-paragraph 4 of Paragraph 11 will, if adopted, serve to strengthen the position of the British Government as guarantor of the pensions and provident funds.

If such a guarantee by the British Government should not be forthcoming, then the Associations claim that sterling funds,

sufficient to cover fully all pensionary and provident fund liabilities of the Government of India to officers now in service, and to those who have retired, should be deposited in this country, to be utilized, in such a way as may be found most appropriate, for the punctual discharge of such liabilities or as security for such discharge.

With these few observations, my Lord, I beg to submit the case of the Associations for the careful and sympathetic consideration of the Joint Select Committee.

MEMORANDUM 3. FROM THE JOINT REPRESENTATION FROM ASSOCIATIONS.

PART I.—PRELIMINARY.

1. *Scope of representation.*

This representation, which contains the views of that large proportion of the officers composing the Civil Services of India, which is represented by (1) The All-India Association of European Government Servants, (2) The Indian Police Association, and (3) The All-India Civil Engineers' Association, is submitted to the Joint Select Committee for the purpose of stating the claims of members of these Services recruited before the commencement of the new Constitution, in regard (1) to the conditions of their future service under the new Constitution proposed to be granted to India, and (2) to the terms considered to be equitable in case of the termination of their service, either voluntarily or compulsorily.

This representation is confined primarily to officers appointed by the Secretary of State in Council to the public services in India before the commencement of the new Constitution Act, but covers some others who, though not appointed by the Secretary of State, have rights for the preservation of which he is responsible. It has been provided in the White Paper that the rights of such officers will be secured.

In view of its constitution (*vide* para. 2), the All-India Association of European Government Servants in concerned mainly with the interests of European officers, but it is in no wise suggested by that Association that Indian officers of the same status should not share to the fullest appropriate extent in the rights, precautions and safeguards which are claimed. The other two Associations, while keeping necessarily in view the special circumstances of European officers, equally claim for Indian officers the protection of their rights.

2. *Constitution of the Associations.*

(1) The All-India Association of European Government Servants has constituent Associations in Madras, Bengal, Bombay, the United Provinces, the Punjab, the North-Western Frontier Provinces, the Central Provinces and Assam. Its membership is approximately 1,000, and is confined to Europeans, who have in nearly all cases been appointed by the Secretary of State in Council. The Association includes a large number of members of the India Civil Service. Officers of the Indian Police, the Indian Medical Service and Military officers in Civil employment are precluded by the orders of Government from joining this Association.

(2) The Indian Police Association has constituent bodies in every Province of India. Its membership is approximately 600, and it includes both European and Indian officers. With the special permission of Government, this Association is co-operating with the other two Associations in the submission of this representation.

(3) The All-India Civil Engineers' Association has a membership of approximately 360, including a small number of Indians. Nearly all the members have been appointed by the Secretary of State in Council. Some of the members are also members of the All-India Association of European Government Servants.

3. *The Constitutional position of the Services.*

The Associations recognise that the existence of a body of Civil Servants, subject to an external authority such as the Secretary of State in Council, is inconsistent with an autonomous form of Government. Nevertheless, it is understood that it is intended to maintain for some time at least a body of servants

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appointed by the Secretary of State, a considerable proportion of which will be British; a course which indeed seems to be inevitable. It was recognised from the initiation of constitutional reform in India that, since the retention of such a body of servants was necessary, it was essential to secure their rights and privileges by statute, as was done in the Government of India Act of 1919 and the rules made thereunder.

The provision for the rights of officers who may remain in service or may be compelled for one reason or another to retire may be briefly summarised by a quotation from Section 96-B (2) of the Government of India Act, 1919, where it is stated that "Every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing and accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable."

It is essential that this eminently fair principle should be re-affirmed in the new Government of India Act, that it should be implemented by such detailed provisions for securing its attainment as have been found necessary by the experience of the Services between 1919 and the present time, that it should be extended to officers of the same class recruited by the Secretary of State in Council during the intervening period, and that it should be re-affirmed in terms more susceptible of definite interpretation than was the case in the Government of India Act, 1919. Finally, as regards officers recruited by the Secretary of State in Council during the period intervening between the commencement of the Government of India Act of 1919 and that of the new Constitution Act, there should be no diminution of rights as they existed on January 1st, 1933.

4. Existing rights and safeguards.

The principal existing rights and safeguards enjoyed by officers are set out in Appendix VII of the White Paper; in Part I as regards officers appointed by the Secretary of State, and in Part II as regards officers appointed by any other authority. Both these categories of officers enjoy protection under the Government of India Act, 1919, and more particularly under Section 96-B to Section 96-E.

Attention is invited to the Appendix cited above and the following further observations regarding certain rights and safeguards not specifically mentioned in Appendix VII are submitted.

(I) Rules under Part VII-A of the Government of India Act of 1919 may only be made with the concurrence of a majority of votes of the Council of India. (Appendix VII, Part 1-7, White Paper.)

This right clearly involves as its essential basis the continued existence of a Council of India duly empowered in this behalf which should therefore be regarded as an existing right or safeguard enjoyed by the members of the Services.

(II) The existing financial control of the Secretary of State in Council (Section 21 of the Government of India Act, 1919), over the expenditure of the revenues of India is a principal element of security for the due discharge by the Government of India of its financial liabilities to its officers. As such it should be considered to be an existing right of such officers, or at all events as an existing safeguard enjoyed by them.

(III) The Governor of each Province is required by his Instrument of Instructions to safeguard all members of the Services in the legitimate exercise of their functions and in the enjoyment of all recognised rights and privileges and to see that Government orders all things justly and reasonably in their regard.

5. Inevitable changes consequent on alteration of the Constitution.

The rights, safeguards and guarantees quoted in the preceding paragraph are secured by the Government of India Act of 1919, and are a fundamental part of the conditions under which the members of the Civil Services of the Crown in India serve.

The Associations whilst recognising the fact that some modification of these rights, safeguards and guarantees may be necessary as a result of changes to be made in the system of government in India, would again stress the accepted principle that no material modification shall be made without the award of adequate compensation to the officers affected, and in the case of those who may continue to serve under the new Constitution without adequate and effective safeguards for the due observation and fulfilment of the terms and conditions of such service.

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[Continued.]

PART II.—RIGHTS AND PROTECTION CLAIMED.

6. *Protection, rights and safeguards now claimed for the future.*

On the assumption that members of the Services, appointed by the Secretary of State will continue in service under the new régime, and bearing in mind the inevitable modifications which will result from the new Constitution, and subject to the remarks made in paragraphs 9 and 10 below, the Associations claim the following essential protection, rights and safeguards and their explicit inclusion in the new Act or its Schedules.

(a) Officers appointed by the Secretary of State before the commencement of the new Constitution Act shall retain all their existing and accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable. Such compensation to be clearly defined in the Act or Schedules thereof. Existing rights should be deemed to include existing scales of pay and of special pay, existing rates and conditions of travelling allowances and of other compensatory allowances, together with existing rules relating to Provident Funds. Accruing rights should be deemed to include reasonable prospects in the career to which a person holding an appointment in the Civil Services of India could look forward at the time of his recruitment. The decision as to what are reasonable prospects in the case of individuals, or of a Service as a whole, should rest with the Secretary of State and his advisers. The grounds of this claim are more fully dealt with in Appendix III attached herewith.

The most usual and the most difficult cases have in the past arisen from the abolition of the higher posts, and the far-reaching political changes now contemplated are likely to make such cases more numerous in the future. The Association consider that there should be a statutory guarantee that officers in service at the commencement of the new Constitution Act should have a right to rise, subject to efficiency, through the grades of the ordinary time-scale, and that if higher posts above the time-scale are abolished, the members of the Service affected should be compensated by the temporary conversion of a sufficient number of posts in the time-scale into a selection grade or grades carrying pay and pensionary rights sufficient to indemnify them fully for the loss of the

abolished posts. These selection posts should be continued in existence so long as any officers recruited before the commencement of the Constitution Act remain in service.

(b) All officers appointed by the Secretary of State before the commencement of the new Constitution Act shall have the right to retire prematurely on proportionate pensions with railway fares, passage gratuities and also gratuities for loss of career, together with all leave due. The terms for such pensions and gratuities for loss of career should be embodied in the new Act or its Schedules and they should it is maintained be not less favourable than those outlined in paragraph 9 below, where this very important subject is dealt with in greater detail.

The right to retire on proportionate pension should be exercisable at any time subsequent to the commencement of the new Constitution Act.

Members of the Services entitled to count War Service towards any period of service should be entitled to count it towards proportionate pension.

(c) The subject of pensions and pensionary rights is of such importance that it has been thought desirable to deal with it separately in Part III, paragraph 11 below.

(d) Pay and allowances of members of the Services appointed by the Secretary of State shall continue as at present to be non-votable. Pay shall not be liable to be reduced, permanently or temporarily, without the sanction of Parliament. The pay and allowances of all members of the Services shall be a first charge on the revenues of the Federal and Provincial Governments of India.

The Secretary of State, the Governor-General-in-Council and Provincial Governors shall be empowered by Statute to secure not merely budgetary provision but also the actual funds which they may regard as necessary for the due and punctual payment of the pay and allowances of all members of the Services; if necessary by the imposition of a definite surcharge of the Federal and Provincial revenues.

(e) As a large part of an officer's pay is utilised for payments in Europe for insurance, education of his children and other family remittances, etc., and in the purchase of goods of European manufacture, his real pay may be seriously diminished by a fall in the exchange value of the rupee which has now been stabilised at 1s. 6d. It is not unlikely

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that, at some period after the inauguration of the new Constitution, the rate of exchange between India and England may be lowered, either deliberately in order to meet the demands of an important section of the commercial community in India, or as a result of general trading conditions. The risk of exchange variations must naturally be accepted by investors in Indian funds, but hitherto when the rupee has depreciated officers recruited in England and maintaining their domicile in England have been granted exchange compensation allowance in order to protect them from loss on that part of their salaries which they have to remit to England for the education of their families, the payment of life insurance premia, and the like. As a necessary safeguard therefore the Secretary of State should retain by statute the power to grant exchange compensation allowance on the whole of an officer's pay (less Provident Fund subscriptions) in order to prevent serious diminution in real pay due to a fall in the exchange value of the rupee below 1s. 6d., at which it has been stabilised. For the purposes of payment of premia on insurance paid from the Provident Funds remittances should be converted into sterling at a rate of not less than 1s. 6d. per rupee.

Power should also be reserved by statute to the Secretary of State to increase pay if this course should become necessary owing to a serious depreciation of collapse of the Indian currency.

(f) Although the matter of discrimination against Europeans generally or against members of the Services by Indian legislatures, whether this takes a fiscal, financial or other form, may be said to be outside the scope of the express or the implied condition of service, yet in its practical bearing it is of the utmost importance to European and other officers and their position as such. The Associations therefore press for statutory provision against such discrimination whether directed at Europeans generally or to members of the Services.

(g) The continuance, undiminished in value, of the concessions afforded to present European members of the Services as a result of the Lee (Superior Civil Services) Royal Commission should be guaranteed by statute. Of these the principal are:—

- (1) Time scale of pay and overseas pay;
- (2) Free sea passages;

(3) Concessions in regard to house rent;

(4) Arrangements for provision of qualified European medical attendance. The maintenance of adequate hospital accommodation suitable for Europeans will be necessary.

(h) All service in administrative rank or in selection grade posts to which special pension is attached, of more than one year's total duration shall count *in toto* as approved service, *ipso facto*, without need for record of formal approval by Government, towards the special pension laid down for that rank. The compensatory selection posts to which reference is made in paragraph 6 (a) should similarly carry with them any special pension which would have been admissible to the incumbents of the abolished posts.

(i) No suit, prosecution or other legal proceedings shall be entertained in any court against any public servant, who is not removable from his office save by or with the sanction of the local Government or some higher authority, in respect of any act alleged to have been committed by him while acting or purporting to act in the discharge of his official duty without the previous sanction of the Governor. The reasons for this claim are given in Appendix IV attached.

(j) Such delegations of rule-making power as have been made since 1919 by the Secretary of State in Council under S. 96 B of the Government of India Act of 1919, or otherwise, to the Governor-General-in-Council or to local Governments should not be automatically transferred to the prospective Federal and Provincial Governments. It is suggested that all such existing delegations should be carefully examined, and that all important powers to make rules affecting the existing or accruing rights of officers appointed by the Secretary of State which are at present so delegated should be resumed by the Secretary of State.

(k) In view of the fact that the responsibilities of the Secretary of State under the new Constitution will be largely concerned with Service matters and with the protection of the Services, it is urged that not less than one-half of the advisers of the Secretary of State (proposed under Part V Proposal 176 of the White Paper) shall be persons who shall have held office for not less than ten years under the Crown in India, and of these not less than two shall have been members of the Services.

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7. *Efficacy of safeguards in the past.*

The Associations after a close study of existing safeguards and their practical working find that, as regards the financial interests of their members, they have been neither very adequate nor very effective. They looked specially into the case of the current temporary rules for compulsory retirement on grounds of public financial stringency, under which certain of their members have been compulsorily retired on terms which can only be regarded as hopelessly inadequate and inequitable. Such a result indicates that the practical working of existing safeguards has not been effective.

The Associations desire to refer with due restraint to the recent 10 per cent. cut in salaries (now partially restored). The decrease of confidence caused by that measure, as suggesting that the abrogation of even statutory safeguards is not impossible, has been deep and widespread, and has reinforced the conclusion that the practical effect of existing safeguards has not been satisfactory. The recent action of the Government of India in accepting in the Legislative Assembly a proposal to raise the limit of income assessable to income tax from R.1,000 to R.1,500 per annum before full restoration of the 10 per cent. cut in salaries is regarded with surprise, misgiving and regret in view of the statement previously made by the Hon. Finance Member when introducing the Budget.

Any Public Services Commission in India is not a body in which the members of these Associations put any confidence as affording protection to the Services as a whole or individual members thereof. Such officers prefer to place their trust in the Secretary of State as the final controlling authority of the Superior Services, and in the British Parliament, and any devolution of that authority would demand the most rigid and effective statutory safeguards if the rights and expectations of existing members of the Services whom the Secretary of State now protects, are to be fully guaranteed.

8. *The responsibility of the Governor-General and of Governors in respect of the Services.*

The Associations are by no means satisfied in view of the positions assigned to the Governor-General and the Provincial Governors, and of the restrictive conditions in which these authorities will find themselves placed under proposals of the

kind contained in the White Paper, that it will in practice be possible for them to discharge effectively and adequately their special responsibility in the matter of securing to the members of the Services the rights to be provided for them by the new Constitution and the safeguarding of their legitimate interests. The Associations are therefore compelled to urge that it is necessary to provide a more direct channel for the exercise of the Provincial Governors' responsibilities in this behalf than can be afforded by an Indian Minister in charge of a department. This should be secured by an injunction in the Instrument of Instructions to a Governor that all promotions, appointments and transfers of officers should be considered and decided by the Governor in personal consultation with the Minister-in-Charge and the Head of the department concerned. An appointment to the post of a Head of a department should be included in the scope of such injunction. The Governor's view to prevail in case of disagreement. In this connection it is suggested generally that all Secretaries to all Governments and also Heads of departments should have direct access to the Governor-General or to the Governor (as the case may be), with the knowledge of the Minister concerned.

9. *Voluntary retirement.*

In paragraph 6 (b) a claim has been put forward to a right to retire prematurely on proportionate pension together with certain gratuities, including in particular a gratuity in respect of loss of career. On the explicit provision of such a right very great stress is laid in view of the consideration that the other safeguards enumerated may not prove in practice as efficient as they appear on paper, since they will tend to lose their efficacy with the lapse of time, while many members of the Associations feel that in any case the conditions of service will be distasteful and indeed intolerable. From a position such as this the only possible escape is an option of retiring on terms which would afford a reasonable pension, or a payment in case of non-pensionable officers, for services already rendered, together with a gratuity by way of compensation for the sudden and premature interruption of career and all that that entails. These terms should be embodied in the new Act or in the Schedules thereof, and not merely prescribed by rules under that

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Act. The actual terms would vary from service to service and would require to be worked out separately for each service, but it is claimed that the terms set out in the attached statement (Appendix IA*) for the Indian Services of Engineers provide a reasonable basis for calculating the terms to be offered to the other services.

Members of non-pensionable Services for whom the Government of India contribute a moiety of their Provident Fund, should be granted such a sum in compensation, as is comparable with that shown in Appendix IIA*. It should be open to members to exercise the option of retirement at any time subsequent to the passing of the new Government of India Act.

10. *Compulsory retirement.*

It will be convenient to deal here with the allied subject of compulsory retirement in immediate succession to the subject of voluntary retirement, treated in the preceding paragraph. In the event of the Federal Government of India or a Provincial Government desiring, after the introduction of the new Constitution, to dispense with the services of any officer recruited by the Secretary of State prior to the passing of the new Constitution Act, whether on grounds of financial stringency, or in the process of Indianisation or for any other reason, not being proved misconduct or incapacity, it is claimed by the Associations that the terms for such compulsory retirement should be not less favourable than those for the Indian Service of Engineers as shown in Appendix I of this representation and for non-pensionable officers as shown in Appendix II*.

The Associations desire to draw special attention to the following point: If a Government should in the course of a reorganization desire to reduce existing posts in a given grade it should, both in its own interests and in that of its servants, first seek for voluntary retirements from that (or from a higher grade) and only if the number of these is insufficient, resort to supplementary compulsory retirement therefrom of officers who might otherwise be willing to continue in service. The above, of course, postulates adequate terms for voluntary retirement.

* Appendices IA and IIA have not been printed for reasons of economy.

PART III.—PENSIONS.

11.

1. The officers of the Services necessarily attach very special importance to the provision of adequate security for (a) the due grant of the pensions admissible to officers and their dependents under the existing rules; (b) their regular and punctual payment in sterling in England in accordance with these rules. Hitherto they have had no cause for anxiety in this respect since the control of Indian finance has been in the hands of the Secretary of State in Council; but the proposed new Constitution for India will materially alter the situation. Having regard to the hostile declarations of the Congress Party, the possibility of a policy of repudiation, such as has been adopted by the Irish Free State, cannot be ignored. Again financial difficulties may render the Federal or a Provincial Government unable or unwilling to meet their external obligations (including payment of pensions outside India) while it must be remembered that in the normal course of events, there will be pensionary liability (though a diminishing one) in respect of officers serving at the date of the new Constitution for not less than three-quarters of a century. This liability, like that incurred in regard to loans issued by or guaranteed by the Secretary of State, imposes a special obligation on the British Government and Parliament to take all steps requisite for securing due and regular payments in its fulfilment. The Associations therefore, desire to press the following matters on the very careful consideration of the Joint Select Committee.

2. The (Service) pensions of officers, family pensions and Provident Funds, all of which are in reality the personal property of the members of the Services, shall be administered under the control and subject to the directions of the Secretary of State.

Payment of these pensions and funds, and of gratuities in the case of voluntary or compulsory retirement shall be guaranteed by the Act and Schedules thereof, at rates of exchange of 1s. 9d. per rupee (as now in force) in the case of pensions, and of 1s. 6d. in the case of other funds. The existing rules for determining the rate of interest to be paid on, and Government contributions to Provident Funds shall be embodied in the Act or Schedules thereof, together with the existing rules governing the subscription to and withdrawals from such funds.

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3. The Association very urgently ask for the definite provision in the new Constitution Act of adequate practical and effective safeguards and guarantees for the regular and punctual payment of pensions of both kinds and of Provident Fund deposits. They further contend that such safeguards, if they are to be really effective, must include the provision of adequate sterling funds, invested in this country, and readily available for meeting pension and Provident Fund charges in case of necessity arising from default on the part of the Indian Government or otherwise. It is further claimed that on the security of such invested sterling funds, or on such other security as it may deem adequate, the British Government should guarantee the due payment of pensions of both kinds, and of Provident Fund deposits; the immediate liability remaining in all cases with the Federal Government of India.

4. It is further suggested that a clear and unambiguous statutory provision is necessary which will enable the Secretary of State, the Governor-General or the Provincial Governor to secure not merely budgetary provision but also the actual funds which he regards as necessary for the due and punctual discharge of the above financial responsibilities, if necessary by the imposition of a definite surcharge of the Federal and Provincial revenues.

5. The Associations have been permitted to see that part of the Representation of the Indian Civil Service Association, to be submitted to the Joint Select Committee, which deals with the subject of pensions. The present submissions in some respects go somewhat further; but subject to this, the Associations fully endorse and support the observations and conclusions on the subject of pensions contained in that document.

PART IV.—OTHER MATTERS.

12. *Officers recruited between 1919 and the commencement of the new Act.*

It has been claimed in paragraph 3 that officers recruited between 1919 and the passage of the new Act should be eligible for proportionate pension. Apart from the advisability of uniform treatment for officers of a service this claim is justified by:—

(a) The fact that the full import of the Government of India Act was

not foreseeable in 1919 even by experienced administrators with many years of Indian experience. It is not to be expected that young men with no experience of Indian conditions could estimate them at that stage.

(b) Revolutionary as the Government of India Act of 1919 has been, its effects will be far transcended by the legislation now in prospect. The Associations make no comment on the advisability of the accelerated rate of devolution except to state that the acceleration could not be foreseen by any individual even so lately as 1929 when the Simon Commission concluded its labours. Officers were therefore justified in counting on a much longer period of conditions approximating to those which have characterised the past decade and should in equity be entitled to similar treatment to that vouchsafed to their fellows who joined the service before the arbitrary date of 1st January, 1920.

13. *Schedule of classes of officers affected.*

The Associations consider that the new Act should contain a schedule of the classes of officers to which the above safeguards apply, and in this schedule it should be made clear that all officers with which this representation is concerned, irrespective of the source of payment of their salaries, are included. In this respect it is pointed out that there are certain officers in civil employ drawing their salaries as a charge against the Army budget, who may not, under the present rules, be termed Civil Servants of the Crown in India.

14. *Conclusion.*

In conclusion the Associations desire to emphasize the fact that the safeguards now claimed for the protection of its members during the future continuance of their service under the new Constitution are in most essentials either similar or related to the subject matter of representations submitted on various occasions since 1919 to the Government of India and the Secretary of State by various Associations. Though practical results were not secured, those representations were in themselves just and reasonable. They are far more so now in view of the very radical change of authority which is now being proposed.

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MEMORANDUM 4. (APPENDIX III TO MEMORANDUM 3.)

1. In paragraph 3 of the Representation, the Associations quoted from Section 96-B (2) of the Government of India Act that "Every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the Civil Service of the Crown in India, shall retain all his existing and accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." It is claimed that there should be a reaffirmation of this principle in more definite terms, and that the provision should be extended to all officers recruited since 1919.

2. In paragraph 6 (a) the subject is again referred to and more definite claims are made in connection with the abolition of superior posts normally filled by selection, etc.

3. In view of the doubt and uncertainty which surrounds the expression "Existing and accruing rights," it is considered that the views of the Associations should be more fully expressed.

4. It is claimed that the vague expression "accruing rights" should be clearly defined or that it should be replaced by words designed to make it clear that officers shall be entitled to compensation for loss of reasonable prospects over and above such prospects as are covered by the phrase "existing rights."

As pointed out in the Representation, this is important in connection with the abolition of superior posts and such posts as are ordinarily filled by selection only.

According to the advice of the Law Officers of the Crown mentioned in Lord Peel's Despatch 31 of 26th April, 1923, the words "accruing rights" cannot be interpreted to cover such loss of prospects as are involved in the abolition, or reduction in the number of posts filled by selection only.

5. This may be the legal opinion of the interpretation of the words "accruing rights" used without definition and without qualifications, but the Associations consider that the words and the legal interpretation given to them, do not convey the meaning and intention of the Joint Select Committee on the Government of India Bill (now the Act of 1919).

The material words used by that Committee are as follows:—

"The Committee think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited, and that they have introduced fresh provisions into this clause to that end."

The clause in question being the present Section 96-B of the Government of India Act, the Simon Commission though quoting with approval the above words did not themselves make any effective recommendation to implement this expression of opinion.

6. The position, therefore, at present is that, instancing for the sake of argument the case of an I.C.S. Officer who entered the Punjab Commission in 1914 at a time when the selection grade posts available (to any of which he might reasonably aspire) were 5 Commissioners, 2 Financial Commissioners, and 3 High Court Judgeships, as well as various posts of Secretary to Government carrying extra allowances, if by enactment or otherwise, these posts or any of them are abolished, or closed to members of the I.C.S., the officer has under the legal interpretation of the term "accruing rights" no claim to compensation.

The Associations claim that from the point of view of the Services as a whole, this position is a complete denial of the intentions of the Joint Select Committee in 1919 when they expressed the view that every precaution should be taken to secure to public servants the career in life to which they looked forward when recruited.

It is idle to assert that the above Assistant Commissioner, or an officer of any other Service in the country, at the time of recruitment looks forward only to the enjoyment of his time-scale salary.

7. It is apparent from Lord Peel's Despatch 31 of 26th April, 1923, that the Secretary of State himself was not satisfied with the situation created by the Law Officer's opinion.

Lord Peel stated:—

"The foregoing represents the strictly legal results which, so far as they can be ascertained without reference to defined circumstances, must be held to flow from the actual words of this sub-section, and it is my intention to bring the situation which thus emerges to the notice of the Royal Commission on the

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Services as a matter for their consideration in its bearing on general service conditions, and with special reference to the observation of the Joint Select Committee on the Government of India Bill 'that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited.' For it is clear that administrative changes might result in a loss of selection appointments so considerable as seriously to prejudice the reasonable prospects of the Service. If, in my opinion, such a situation should arise, I shall not fail to examine it with a view to determining in accordance with what I conceive to be the intention of the Joint Select Committee and of Parliament, what measure of relief can be granted to the Service affected. It is desirable, however, that the question should first be examined in all its bearings by the Royal Commission, and I am hopeful that their recommendations may be of assistance to me in dealing with a difficult problem affecting the interests and security of those Services for whose well being I am responsible."

Unfortunately the anticipated examination of this point by the "Royal Commission," i.e., the Lee Commission, referred to in the Despatch has not produced any effective results, nor as already stated, has the Simon Commission made any practical recommendation in this connection.

8. The position contemplated by Lord Peel has unquestionably arisen. It is a

matter of common knowledge that certain Provincial Governments have been restricting or abolishing, or contemplate the restriction or abolition of selection grade posts, and the position under the new Constitution will be immeasurably more insecure. The Associations, therefore, feel strongly that the whole question needs careful reconsideration in connection with the new Government of India Bill.

9. The Associations understand that in 1926 the Secretary of State gave a ruling that no reduction in the number of selection grade posts should be made as long as there is an equal number of members of the Service concerned in existence, who are qualified for promotion or appointment to them. This alone would illustrate forcibly the need for more adequate statutory protection than the existing law provides.

10. The Associations claim (a) that in the New Act, the words "accruing rights" should be defined to include "reasonable prospects in the career to which a person holding an appointment in His Majesty's Civil Services in India could look forward at the time of his recruitment"; (b) that compensation shall be given for the loss of such rights; and (c) that the decision as to what are "reasonable prospects" should, in the case of individuals, or Services as a whole, rest with the Secretary of State.

11. The Associations feel that such a definition would not go further than implement the undertakings given in Lord Peel's Despatch of 26th April, and the opinions and wishes of the Joint Select Committee on the Government of India Bill, 1919.

MEMORANDUM 4—continued. (APPENDIX IV TO MEMORANDUM 3)

PROTECTION OF OFFICERS AGAINST CLAIMS FOR DAMAGES IN THE CIVIL COURTS IN RESPECT OF ACTS COMMITTED BY THEM IN THEIR OFFICIAL CAPACITY.

The proposed transfer of Law and Order (hitherto a reserved subject) to popular control under the new Constitution renders desirable some form of statutory protection for officers of the All-India Services against claims for damages in the civil courts in respect of acts committed by them in their official capacity.

So far as criminal prosecutions are concerned Section 197 of the Code of Criminal Procedure affords some protection in that it requires the previous sanction of the Local Government to the initiation of criminal proceedings against

such officers; but the Code of Civil Procedure contains no such protection. It is true that certain enactments like the Judicial Officers' Protection Act, bar suits against officers acting in good faith in the performance of Judicial functions; while other enactments restrict interference by the courts in respect of acts done in good faith under colour of those particular enactments. If, however, it is sought to challenge by civil suit an act by an officer in the performance of his ordinary executive duties, all that the Code of Civil Procedure requires is, as an essential preliminary to the institution of

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[Continued.]

a civil suit against an officer, a two months' notice under Section 80—a provision which is only intended to prevent the officer being taken by surprise and to give him time to prepare his defence. In such a case Government has a discretion to decide whether or not the officer concerned should be defended at Government expense, but it has no power to control or delay the institution of proceedings.

It may be argued that it is right that a public officer, even when acting in the performance of his official duties, should be prepared to justify his acts if questioned in a court of law. The force of this contention is not denied. Officers do not expect complete immunity. All they ask is that before they are exposed to litigation in respect of their official acts, there should be some provision by which Government, in whose interests the acts have been committed, should be required to consider whether there is a *prima facie* case to justify a civil court exercising jurisdiction in the matter of complaints against such acts. The desirability of some such previous sanction as a protection to officers is indicated by two factors. Instances have occurred, are occurring and are likely to occur with increasing frequency in future of public officers being harassed by civil suits in respect of their official acts for purely ulterior motives. Instances could be quoted, but are not deemed necessary for the purposes of this note. Experience has shown that the subordinate civil courts in the Punjab are not alive to the necessity of protecting public officers from unnecessary harassment in this respect, and the same is believed to be the case in other parts of India.

Secondly, under the present Government of India Act (as interpreted by judicial rulings) Government when sued as the Secretary of State in Council, for damages in respect of the acts of its agents, can, and does, except in the case for a Commercial Department, like the State-owned North Western Railway, successfully repudiate legal liability on the ground that in the domain of "affairs of State," it is not responsible

for the alleged tortuous acts of its employees. If, therefore, an officer of the "Security Services" is required forcibly to disperse an unruly mob, and some person thereby aggrieved, institutes a suit in civil court to pronounce on the legality of his action, Government can and does repudiate all responsibility and leaves the officer concerned to justify his act in a court of law as best as he can. It is true that in existing circumstances, where Law and Order as a Reserved subject is under the control of a Service member of the Government, Government generally does give the officer all possible legal help in the matter and assists him in the defence of the case; but under the new Constitution it is possible that the Minister-in-Charge may decline even official assistance to the officer in respect of the act impugned, and may leave him entirely to his own devices in his endeavour to evade legal liability, for the performance of what he conceived to be his duty.

It is, therefore, urged that in the new Government of India Bill, some such statutory provision should be inserted as is hereinafter suggested. The draft is based partly on the provisions of Section 197, Code of Criminal Procedure, and partly on the standard form of protecting clause that occurs in certain particular enactments, e.g., Section 17 of the Punjab Criminal Law (Amendment) Act, 1932. It may be noted that the clause does not, as in the latter case, give complete immunity, but only requires the previous sanction of the Governor to the initiation of proceedings:—

"No suit, prosecution or other legal proceedings shall be entertained in any court against any public servant, who is not removable from his office save by, or with the sanction of the Local Government or some higher authority, in respect of any act alleged to have been committed by him, while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Governor."

MEMORANDUM 5. ABSTRACT OF THE REPRESENTATIONS SUBMITTED BY THE SERVICE ASSOCIATIONS IN INDIA.

These consist of—

(1) The Indian Civil Service Association.

(2) The All-India Association of European Government Servants.

(3) The Indian Police Association, and

(4) The All-India Association of Civil Engineers. Their constituent

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[Continued.]

bodies and memberships are detailed in the Representations mentioned below.

2. For the purpose of enabling the different Associations to state their respective cases unrestrictedly in the precise form that they think appropriate, it has been found necessary to submit separate Representations for (A) the Indian Civil Service Association, (B) the other three Associations jointly, and (C) as supplemental to the second, the Indian Police Association. A reference is invited to these for a detailed statement of the views and submissions that the representatives of the respective Associations intend to put in evidence.

3. The Services are, however, united in regard to the main essentials of the case which they submit for the consideration of the Joint Committee, though they differ in regard to some matters. Their interests are identical in all fundamental matters of principle. There has been no time since the publication of the White Paper to secure co-ordination of the views held by officers and services scattered all over India; and differences of outlook and conditions necessarily produce differences of opinion on a number of points, and differences in regard to the nature of the safeguards required, some of which are of importance. But, broadly speaking, it may be said that the great majority of the members of the Services approach the subject from the same standpoint. They desire to continue and complete their careers in India, and they feel assured that the object of His Majesty's Government is to secure that measure of confidence and contentment in the public Services, without which efficient administration is impossible.

4. The Associations are accordingly agreed that the safeguards for officers appointed by the Secretary of State in Council to the public Services before the commencement of the Constitution Act, as well as for other officers who, though not appointed by the Secretary of State in Council, have rights for the preservation of which he is responsible, should include those shown below. These are summarised and should not be taken to supersede the terms in which they are stated in the Representations. References to *sections* are to those in the Government of India Act, and references to *proposals* and *Appendices* are to those in the White Paper (Cmd. 4268).

I. RIGHTS AND PROTECTION OF SERVING OFFICERS.

(1) Continuance of existing or accruing service rights, or the award of adequate compensation for the loss of any of them by the Secretary of State (cf. sec. 96B (2) and proposal 182).

(2) Changes of service conditions to be made only by the Secretary of State, with the concurrence of the majority of his advisers (cf. secs. 96B (2) and 96E, and proposal 179).

(3) Travelling, compensatory and other allowances to be definitely included in the conditions of service, and any delegation of his authority made by the Secretary of State to be resumed (cf. item 11 below).

(4) (a) "Accruing rights" to include reasonable prospects in the career to which an officer could look forward at the time of his appointment; these prospects to cover his ordinary right to rise, subject to efficiency, through the grades of the prescribed time-scale, and the decision as to other reasonable prospects to rest with the Secretary of State and his advisers.

(b) If higher posts above the time-scale are abolished, the members of the services affected to be compensated by the temporary conversion of a sufficient number of posts in the time-scale carrying pay and pensionary rights on the level of the abolished posts.

(5) Adequate and effective safeguards for the due observance and fulfilment of service terms and conditions (cf. proposals 18, 19, 70, 71). These should empower the Governor-General and the Governors not only to obtain budgetary provision for payment of salaries (proposals 49 and 98), but also the actual funds required for their regular payment.

(6) Existing salaries should not be liable to be reduced, permanently or temporarily, without the sanction of Parliament. The Secretary of State should retain his power to grant exchange compensation allowances in addition to salary, and should be expressly empowered to revise salaries, should this course become necessary owing to a serious depreciation in Indian currency.

(7) Postings, transfers, promotions and similar matters to be settled by the Governor, in personal consultation with the Minister and the head of the department concerned (or, in the case of the general cadre of the Indian Civil Service, the Chief Secretary to Government).

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[Continued.]

(8) The Governor to be instructed to keep in touch with heads of departments, and his personal concurrence to be required to their appointment, as well as to any promotion involving a choice between an officer of an All-India service and another officer (cf. item 15 of App. VII, pt. I).

(9) The continuance, undiminished in value, of the concessions afforded to European members of the services, as the result of the Lee Commission.

(10) The personal concurrence of the Governor to be required to the personnel of any Committee of Enquiry into the conduct of public officers removable only by or with the sanction of a local Government or higher authority.

(11) Delegation of rule-making power made since 1919 to be re-examined (cf. sec. 96 B (2)) and all important powers to make rules affecting the existing or accruing rights of officers appointed by the Secretary of State in Council to be resumed by the Secretary of State.

(12) The new Act to contain a Schedule detailing the classes of officers to which these safeguards apply.

II. VOLUNTARY RETIREMENT.

(1) Officers to be permitted to retire on proportionate pensions at any time in their service. The terms to be embodied in the Constitution Act or a Schedule thereto, and to include the right to avail himself of all leave due, and a free passage to his home country for himself and his family.

(2) Such portion of an officer's War service as is already allowed to count for seniority, pay or ordinary pension, to be included in the calculation of his service for proportionate pension.

III. COMPULSORY RETIREMENT.

(1) Officers to be entitled to compensation for the compulsory abandonment of their careers, in addition to the pension which would have been open to them, if they had retired voluntarily. For this purpose a scheme to be worked out by a small expert committee, before which representatives of the services should be permitted to appear.

(2) In any scheme of re-organization involving reduction of grade posts, a local Government to be required first to seek for voluntary retirements from that or a higher grade.

(3) In addition, the Secretary of State to retain the power given to him by Section 96 B (5) to grant compensation

or an addition to pension in any case where this appears to him to be equitable and just.

IV. PENSIONS.

(1) Adequate provision to be made for safeguarding—

(a) The due grant of the pension admissible to an officer or his dependants under the existing Rules, and

(b) their regular payment in sterling in England in accordance with those Rules.

(2) The existing statutory protection as to the regulation of pensions by Section 96 B and other enactments of Parliament to be continued.

(3) Sterling funds should be established both for Family Pension Funds (cf. paragraph 73 of the Introduction to the White Paper) and Provident Funds.

(4) Existing rights of suit against the Secretary of State in regard to pensions to be preserved (cf. proposal 134), and adequate provision made for implementing decrees passed against him (cf. proposal 135). Proposal 134 should be extended to include rights and liabilities under *Rules* confirmed or authorised by an existing Statute.

(5) In accordance with the existing law, pensions of persons residing permanently outside India should be exempt from Indian taxation (cf. proposal 186).

(6) Proposal 186 should be supplemented as follows:—

(a) The Civil Service Regulations and other Rules on the subject of pensions should be revised so as clearly to entitle officers and their dependants (subject to fulfilment of the prescribed conditions) to receive pensions on the scales and terms fixed by the Rules.

(b) It should be provided that such Rules cannot be "affected" by an Indian Legislature, and the power of the Secretary of State to vary them should be restricted in regard to prejudicial variations.

(c) There should be a saving clause in regard to rights under the Acts of 1874 and 1882 relating to I.C.S. pensions, and under section 96 B.

(d) The existing *minimum* rates of exchange for payment of pensions, withdrawals from provident funds and gratuities should be guaranteed.

(e) The proposed immunity from Indian taxation should expressly cover the pensions, not only of officers, but also of their dependants.

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[Continued.]

5. The preceding paragraph contains an abstract of the matters in respect of which the separate Representations of the Indian Civil Service Association (A) and of the other three Associations (B) are for practical purposes identical. Below are detailed the matters in which the Representation of the three Associations (B) differs in asking for fuller and more extensive protection and safeguards, to which they attach special importance. (References are to the paragraphs and Appendices of the Joint Representation of the three Associations.)

(1) *Paragraphs 6 (b), 9 and 10.*—The grant of compensation-gratuity for loss of career in cases of *voluntary*, as well as of compulsory, retirement, in general accordance with the scales set out in Appendices I and II*.

(2) *Paragraphs 6 (c) and 11, subparagraphs 2, 3 and 5.*—The Guarantee by the British Government of all pensions, service and family, and of provident funds payable from the revenues of India, based on the security of adequate sterling funds,

* Appendices I and II have not been printed owing to reasons of economy.

(Then the examination of the Witnesses is commenced.)

(The Witnesses are directed to withdraw.)

Ordered, That the evidence tendered by the All-India Association of European Government Servants, the Indian Police Association and the All-India Civil

Ordered, That the Committee be adjourned to Thursday, the 15th of June, at half-past Ten o'clock.

DIE MARTIS, 13^o JUNII, 1933

Continuation of Evidence of—

Sir PATRICK JAMES FAGAN, K.C.I.E., C.S.I., F.R.A.S., Mr. E. B. LOVELUCK, Mr. WILFRED HAROLD SHOEBERT, Mr. EUSTACE ARTHUR CECIL KING, Mr. HENRY ROBERT HARROP, Mr. FREDERICK WYNNE ROBERTSON, Sir EVAN COTTON, C.I.E., Mr. HAROLD LANCELOT NEWMAN and Mr. STEPHEN LEONARD SALE:—

Marquess of Salisbury.

308. I have only one question to put to you, Sir Patrick: It is in reference to your own special introduction (Memorandum 10)?—Yes, my Lord.

309. You say, "In submitting this representation the Associations recognise that some effort has been made in Part VI of the White Paper to safeguard the interests and to allay the deep and widespread apprehensions of the Services in India; but the Associations are by no means satisfied, and they do not feel that

or such other security as the British Government may deem adequate with regard to its estimation of the future financial solvency of the Indian Governments and of their continued readiness to meet pensionary and provident fund obligations.

(3) *Paragraph 6(f).*—Statutory provision against any form of discrimination, whether directed at Europeans generally or at members of the Services.

(4) *Paragraph 6 (h).*—Dispensing with formal approval of service in administrative and certain other posts for purposes of enhanced pensions.

(5) *Paragraph 6 (i).*—Necessity for Governor's previous sanction to legal proceedings against certain public servants for acts done in official capacity.

(6) *Paragraph 6 (k).*—Secretary of State's Advisers: suggested amendment of proposal 176 of the White Paper.

307. Do you desire to say anything in anticipation of those representations at this stage?—I do not think it is necessary for me to add anything to the opening remarks at present.

Engineers' Association be not delivered out until after it be completed on Thursday, the 15th of June.

the provisions contemplated are adequate." Of course, other people will ask you about further provisions you suggest. I would only ask you about this grave anxiety. What grounds have you for the grave anxiety?—It is a matter on which a certain amount of plain speaking, I am afraid, is unavoidable. I trust that nothing I shall say will cause offence, for that is the last thing that any of us wish to do. On the whole, I think it may be said that the Members of the Associations are satisfied that in the

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 F.R.A.S., Mr. E. B. LOVELUCK, Mr. WILFRED HAROLD SHOOBERT, Mr. EUSTACE
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absence of adequate, and it may be stringent, safeguards, they cannot look for the same high standard of equitable official treatment from Indian authorities as they have generally experienced in a previous regime now apparently finally drawing to a close. Without the least wish to cast any needless aspersions, the Associations recognise and consider that this is due partly to the friction which would appear to be inseparable from the employment by an autonomous Government or autonomous Governments of alien public servants who will be under a measure of protection, at all events, by an external authority. Secondly, their apprehensions are due partly to the fact that a different standard of official conduct is current in Indian Society. Thirdly, they are apprehensive of that environment of strong social and communal pressure which is commonly exerted on Indian Public Authorities. These conditions are matters of common knowledge, and it is believed that they are not denied by a majority of Indians themselves. Then, further, the general tone of the utterances of the more extreme politicians and journalists on the subject of the British element in the Services necessarily contributes to deepen the apprehensions of those services. For years past British officials in India have been villified and misrepresented in the Indian Press, and this campaign has never, or scarcely ever (I think I am correct in saying "never") been reprimanded or repudiated by Indian politicians, and the constant stream of propaganda and condemnation has naturally produced its effect upon the student community who, we are told, are the political masters of the future. That, my Lord, I think, is the general state of mind of the services. I have tried not to exaggerate anything, but, at the same time, as I have said, we all feel that this is an occasion on which we must speak out. We feel that it is an occasion to which the words apply "speak now or for ever hold your peace", and therefore we do propose to speak out openly and frankly. At the same time, we entirely disown any desire or intention to give anybody offence. It is a time and occasion on which actual facts, it appears to us, have to be faced.

310. I am sure we are all most anxious not to give any cause of offence. Questions must be put, but we are most anxious to avoid hurting anybody's feelings in any respect. I want to ask you one further question on that statement. You have said the condition of things you have described was the opinion not merely of the British but of the Indians too?—Of the Indian Officers?

311. No; you said amongst all Indians a lower standard was admitted?—I think that is generally admitted by the majority of Indians themselves. Mr. Shoobert, I think, has one or two remarks to make. (Mr. Shoobert.) If I may I would like to draw attention to a publication which I could not get in England at all, but which is freely available in India, that is the Report of the Congress Select Committee on the Financial Obligations between Great Britain and India, which was published by the Indian National Congress in 1931. The effect of that Report, my Lord, was almost complete repudiation of all financial obligations due by India in the future on account of the services and, among other things, there was a Bill drawn up (an Account, shall I say, drawn up) at the end of the Report which claimed as due to the future Indian Government from Great Britain a sum of £650,740,000. This account went back to the external wars of the Company prior to 1857, and included the cost of the Mutiny and a number of other matters. If a responsible Body (I hope I may call it a responsible Body) such as a Congress Select Committee at this stage publishes Reports of this kind, I think there is no need to ask why the services which will have to serve Ministers drawn very largely from that Body in the future are apprehensive of the treatment which they may receive. Secondly, Sir, our apprehensions have been very largely concerned with the security of our Family Pensions and Provident Funds. I am not disclosing any secret, when I mention that in most of the major provinces of India, and certainly in the Province in which I myself served, that is the Central Provinces, for many years past it has been the habit of moderate opinion in the legislative council to bring up resolutions that the Land Revenue, the greatest form of revenue in most of the

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provinces of India, at any rate, in my own, should be reduced by amounts up to 50 per cent. Such a resolution was brought up in the last legislative council of the Central Provinces. A responsible Body bringing up such resolutions rather fills us with apprehension. Those are the two chief points which I was instructed by my Association to bring to the notice of the Committee.

312. Which Association is that?—I am representing the Central Provinces branch of the European Government Servants' Association.

Lord Hardinge of Penshurst.

313. My Lord Chairman, I should like to ask Sir Patrick Fagan in the first instance whether the pensions to which reference is made in paragraph 13 of his remarks are contributory pensions? Have these services contributed from their salaries every year to their pension fund?—(Sir Patrick Fagan.) The pensions have been contributory I believe in the Indian Civil Service alone. They were contributory up to the year 1919, I believe. Personally I contributed during the whole of my service.

314. I meant the other services?—In the other Services they are not contributory; that is, the pensions of the officers themselves. Pensions have always been considered as deferred pay.

315. There is one other question I should like to ask in connection with that. You refer in paragraph 3 to the provision of adequate practical and effective safeguards and guarantees which "must include the provision of adequate sterling funds invested in this country." What I want to ask you is this: Where are these "adequate sterling funds" to come from, because like the Indian Civil Service and the Indian Army Services there, are very large funds?—Those are family pension funds.

316. Yes, but where would these funds come from as regards the Associations which you represent here? Do they exist?—They do not exist at all. The family pension funds only exist in the sense of having separate accounts. There are no separate assets invested or earmarked for their payment. They are paid out of the general revenues of the Government of India. Pro forma accounts are kept. The Government of India are in fact a debtor to the amount

of balances in its hands, and it pays the interest on those annually, and out of those, family pensions are paid as they fall due. As regards the Service pensions, the pensions of officers themselves, there is no fund at all.

317. But for the family pensions there is an actual fund?—Yes, an actual fund, on paper.

Earl Winterton.

318. Sir Patrick, I would like to ask you a question arising out of your answer to Lord Salisbury's question. I understand you to say—and I may say, personally, I quite sympathise with the difficulty—that you emphasise the difficulty which always arises when men of a different race or nation serve under an autonomous Government. Have you or your Association studied the position of British subjects, many of them in positions of great importance, who are serving to-day under the Egyptian Government, under the Iraq Government or in places like Siam, and do you draw any comparison between the conditions prevailing there and what might be visualised in a future self-governed India?—Of course, we have had it in view, but I do not know that we have particularly studied the position, because the Associations have such direct experience of Indian conditions, but I should imagine that the Services in Egypt and, perhaps, Siam, are more on the basis of pure hiring.

319. Following upon your answer to the question of pure hiring, you do not suggest there is an insuperable difficulty, great as the difficulties are, in finding British subjects of eminence and ability willing to serve under autonomous Governments?—I think they would have to serve under something like a special contract; I mean there would be no permanent Services under the system that you contemplate; I presume that the Services as such would come to an end and you would hire on contract the services of such persons as might be necessary.

320. You do not, in other words, regard it as an insuperable difficulty to obtain the services of eminent Englishmen, British subjects, to serve under autonomous Governments in the East?—Not insuperable. That means, I think, practically that you would have to scrap

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the Indian Services as they are at present as regards Europeans.

321. You mean, you would have to scrap the conditions of service?—There would have to be a winding up of the Services and you would employ such men as were wanted from time to time on temporary contracts.

Mr. Cocks.

322. Sir Patrick, following on that last question about temporary contracts, you do not suggest, do you, that people in the Egyptian Civil Service are employed on temporary contracts?—No, I do not, but I am talking of the conditions of India; that is what we are mainly concerned with.

323. You attach some importance, I think, to the attacks levied upon Indian Civil Servants in the Indian Press?—Yes.

324. Have those attacks appeared in papers of large circulation and of responsible character or in small papers?—Sir Evan Cotton is in a position, I think, to give a better answer to that than I can. (Sir Evan Cotton.) I read every week the Congress newspapers which are sent to me. I have brought some specimens with me here to-day. Those Congress newspapers are largely and almost exclusively read by the student community. I find that hardly a week passes but there is not in them some sort of misrepresentation of the British Services in India.

325. You have been in the Service since 1887, I understand, Sir Patrick?—(Sir Patrick Fagan.) Yes.

326. Did these attacks take place in those days, or are they of more recent origin?—A certain number of them took place in those days, but I think they have certainly increased in volume and probably in vigour since then, especially within the last fifteen, sixteen or seventeen years.

327. Would you not regard them as arising out of the campaign for responsible Government? Would you not regard them as arising from the extremist side, and those who are agitating for responsible government?—I do not know. The fact is that there they are, and they work their effect. Who are responsible for them does not seem to me to be so much a matter of consequence. May I just read a few words from the Simon

Report, volume 2, paragraph 191? “Gross misrepresentations of Government action are put forward with impunity by those who seek every means to discredit it. . . . Those who are only familiar with the interplay of party politics at home may have a difficulty in appreciating that in India the sort of attacks which we are deprecating are not directed against particular items of policy, but amount to the encouragement of an utter disregard of all the necessary rules of order which any civilised Administration must uphold. We have already described in Volume 1 the astonishing lengths to which a certain section of the Indian Press has gone in vilifying the Administration and attacking its servants.”

328. My point was this: Have they not arisen generally in the campaign for responsible government?—No, not exclusively; they were in existence before, as I say, probably in a less wide and less vigorous form, but still they were in existence. No doubt they have been exacerbated during this particular campaign, but I do not think it is correct to say that they are entirely due to that.

329. Do you not think it is possible that if the demand for responsible government were granted, these attacks would cease or would diminish in importance?—I do not quite see what ground there is for supposing that.

Lord Snell.

330. My Lord, is Sir Patrick aware that English newspapers have been known to advocate changes in the British Civil Service which have caused considerable alarm to Civil Service Associations?—I dare say they have. I am not in a position to deny that, but the conditions are somewhat different, in fact, one might say utterly different. Here you have a Press, with officials of the same people and country.

Lord Snell.] I am only concerned to establish the fact that in England as in India newspapers sometimes do advocate changes which cause alarm to Civil Servants, and they also sometimes attack the Government.

Viscount Burnham.] What newspapers?—(Witness.) I am perfectly prepared to admit that, but, excuse my saying so, the Services attacked, I understand, also make representations on those occasions to defend themselves.

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Mr. Morgan Jones

331. Might I ask Sir Patrick whether his apprehension of inequitable treatment arises from experience in this matter in any way?—In answering that, one has to remember that the prospective conditions are very very different from anything that has gone on in the past, even from those that have prevailed during the last twelve years, and such experience as the Associations have had during that time certainly lead them to think that apprehension of the kind we have described is not without foundation. We do not wish to produce specific instances; we can point to a certain number; but there is no doubt, I think, that the general result of the experience of the last twelve years has been (I do not want to put it too high) certainly to afford very good ground for apprehension of what may happen under the prospective and widely altered conditions.

332. There have been, I believe, Sir Patrick, quite a number of Indian people in charge of high administrative posts in India?—Yes.

333. Would you say your experience would be that those gentlemen have disclosed a tendency towards inequitable treatment?—I left India very shortly after the introduction of the new reforms. Perhaps my colleagues can speak to that more convincingly than I can.

334. So that you yourself have no experience of it?—Well, I cannot say that, because one has experience all through one's service.

335. But you have no experience, I take it, of highly placed Indian gentlemen in charge of administrative posts being guilty of inequitable treatment?—Well, I cannot say that I have since the reforms came in, because I left India very shortly afterwards. Mr. Shoebert, who is still in the Service, has some remarks to make upon that point.

336. On this particular point? I should be glad to have them?—(Mr. Shoebert.) I should like to make it clear that what I am going to say is from no personal experience, but from what has come to my notice during my tour of Service. The people who came out about the same time as I did went to India prepared to serve under Indian gentlemen and with Indian gentlemen, and we are still prepared so to serve. What I am

going to quote now is from a Memorandum submitted by the Government of the Central Provinces to the Indian Statutory Commission—that is the Simon Commission.

337. What page, please?—Page 23*j*.

338. Of the evidence?—I do not think it is on your table, Sir. It is a Memorandum from the Central Provinces; it was evidence given by a provincial Government to the Simon Commission but was afterwards printed up at the Stationery Office. I got this volume, I may say, from the India Office library "The protection of the Services, which is specially enjoined upon the Governor by the Instrument of Instructions, has been necessary in the following cases during the first Ministry." They then proceed to quote eight cases. I do not think it is necessary for me to give details, but if you wish me to, I will read them. Then they proceed to say: "All the officers concerned in these eight cases were Europeans." The cases were, I may say, mostly cases of withholding special pensions, withholding special pay and matters of that nature. We have in our Association had a number of other such cases brought to our notice; I do not think it is necessary to multiply them, but there have been such cases.

339. But those are cases, I take it, of difficulties arising from day to day administration?—I do not think, Sir, these particular cases quoted by a Government in a responsible document to a Government Commission were cases of that kind. I shall have to read them to make it clear.

340. It is all right; I will take those for granted, thank you?—Very good.

341. May I return to my point? I take it that Sir Patrick has no personal experience, and neither have you?—No, I am very glad to say that I have not, but I have been serving direct under the Government under a reserved subject all the time.

342. So the statement made by Sir Patrick does not arise from personal experience?—(Sir Patrick Fagan.) No, I have not been personally victimised.

343. Then I will pass to the next point, if I may. With regard to these allegations of a different standard of official conduct, does that arise from personal experience?—Yes, I think I may say so—thirty-five years' experience. I think one

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may say that my experience has been that the standard of official conduct in Indian society is different from that of the average British officer. I do not want to say anything offensive at all, but I think that is correct, and I think my colleagues would probably bear me out in that statement.

344. I am not talking, if you will allow me to say so, of the difference in conduct of society?—No, not at all: official conduct—I wish to confine myself entirely to that.

345. May I take it that you suggest that an Indian gentleman in office has a different standard of conduct from that of a European in office?—Yes, I am afraid that I must say that I do think so.

346. In what respect?—Official conduct is a sufficiently clear expression; I refer to nepotism and matters of that kind, and others. I could, of course, pursue the subject to its ultimate end, but I do not wish to do that.

Chairman.

347. Would you repeat the answer?—Nepotism, I think, is one of the things, and allied matters. I do not wish to pursue the subject in all its bearings; one would have to say, I am afraid, a good deal that would be painful; but I think my colleagues would bear me out in what I have said.

Mr. Morgan Jones.

348. I will not press it further. I will take a third point, if I may, and that is the point of gross misrepresentation of the Government in the Press?—Yes.

349. Do you read the English Press, by any chance?—Yes, occasionally; I cannot say that I devote a large amount of time to it.

350. In the short time which you devote to it, do you see a daily loyalty to the Government on every hand?—No, certainly not. The Government in this country has its own Press. Unfortunately, the Government in India and Government servants have not that facility for journalistic replies to attacks which people have in this country; that is a point which I think has to be very carefully borne in mind.

351. Would you not agree with me that, granted there is misrepresentation in the Press, that condition of things is largely inevitable where the people as a whole

are bereft, broadly speaking, of participation in the government of their own country?—You are there trespassing on the general subject of Indian political reform, and that is a subject which we desire to abstain from dealing with in any way whatsoever, as far as is possible.

352. I appreciate that; I will not press it?—All I can say is this, that if the answer to your question is in the affirmative, that it is the natural process, then it seems to me that the public servant in India is in all the more need of protection. If it is the natural and inevitable process, surely protection is equally inevitable.

353. Quite, but might it not be that much of this gross misrepresentation which you have referred to arises from real ignorance of the difficulties of government?—There, again, you are trying to draw me into a discussion of the desirability of certain constitutional changes in India, and I and my colleagues wish to avoid that entirely.

Mr. Morgan Jones. But you have already trenchanted upon that ground yourself, Sir Patrick. However, I leave that point.

Sir Austen Chamberlain.

354. May I interpose one question and ask Mr. Shoebert, in order that we may better understand what is being discussed just now, whether he will give one example, chosen from among the eight cases reported by, I think, the Central Provinces' Government? I just want to know what class of case it was. Can you give me one as typical?—(Mr. Shoebert.) There was one case of an allowance to a Civil Surgeon for doing extra duty, which had always been granted in the past, and that allowance was withheld under the Order of the Minister. In all these cases the Governor overruled the Minister later on.

Dr. Shafa' at Ahmad Khan.

355. What were the grounds?—I cannot tell you, Sir; it is not in the Government Report. I asked for the details from India, and they have not arrived. There were numbers of cases of withholding additional pensions and that sort of thing for selected posts.

Earl Winterton.

356. May I ask a question arising out of this? I think it is very important:

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Is it your suggestion that these cases of a superior authority overruling a subordinate authority in the matter of the rights of Civil Servants never arose before the reforms?—No, that is not my suggestion. What we suggest is that if the Central Provinces Government, which has always given great satisfaction to the people of the Central Provinces, according to the moderate Press, thought fit to report these cases to the Simon Commission, they were cases in which the Central Provinces Government was satisfied. Mark you, Sir, the Central Provinces Government consists, besides the Governor, of one Indian and one European member and two Indian Ministers. If the Government were satisfied that these were cases in which Europeans had been victimised by a Minister, they should be sufficient for the purposes of our evidence.

357. But I must ask you a further question arising out of this: In what sense do you use the word "victimised"? Do you suggest that where a superior authority overrules the orders of a subordinate authority, it necessarily means that the superior authority thinks that the officer in question has been victimised, and there has not been a genuine mistake made?—That is a matter of opinion, Sir.

358. Do they use the term "victimised" in their evidence?—They are reported practically as cases of victimisation.

359. But do they use the word "victimisation" in their evidence?—I should have to read the whole paragraph to make that clear.

Chairman.

360. Is it a long paragraph?—The final sentence of the paragraph is, my Lord, that all the officers concerned in these eight cases were Europeans, which seems significant.

Lord Winterton.

361. I am asking you a specific question. You have used the word "victimised." I ask you whether that is your private opinion or is it based upon the evidence given by this Government?—I am not giving now my private opinion; I am giving the opinion of my Association. I would like that to be very clear because I might lay myself open to certain dangers on return to India.

362. But did your Association suggest that this was a case of victimisation?—My Association felt very much convinced that they were cases of victimisation.

Lieut.-Colonel Sir H. Gidney.

363. My Lord Chairman, I should like to ask a question. Will Sir Patrick Fagan and the other gentlemen tell me or tell the Committee what other Services they represent besides the Police, the Engineers and the Indian Civil Service?—(Sir Patrick Fagan.) The Associations or my colleagues?

364. The Associations of European Services?—They represent practically all the Services. They have members from all the Services, except the Indian Police, which have their own Association, and, of course, military officers.

365. Do you represent the Medical Civil Servants?—The Indian Medical Service is not included.

366. In paragraph 13 of your Memorandum No. 3 you talk about the Schedule of classes of officers affected and you draw attention to certain officers who draw salaries as a charge against the Army budget?—Yes.

367. Which officers are those?—They are in the military accounts, and I think there are one or two other officers who serve in or under the Military Department. They are really Civil officers.

368. Do you represent the Indian Forest Service?—Yes.

369. The Irrigation Branch of the Indian Service of Engineers?—Yes.

370. Does your Association agree with the recommendation of the Services' Subcommittee that the Indian Forests Service and the Irrigation Branch of the Engineers should be provincialised?—That is again a matter which, I think, trespasses upon the subject of policy. I do not think we can very well answer that question. We wish to avoid all reference as far as possible to the desirability or otherwise of questions of policy.

371. I should have thought this would have come under the term "vested interests" or "accruing rights"?—Their being provincialised?

372. Yes?—Possibly, but I should be glad if the Committee would bear in mind that we are dealing only with officers now

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in the Service. We are making no claim whatsoever as regards entrants who will enter the Service after the introduction of the new Constitution.

373. You just now expressed your fear, or the fear of the various Services from a protective point of view, and you charged Indian Ministers with nepotism?—I did not charge them, but I said that was one of the things we apprehended. It is a very painful subject to deal with, and I should be glad if my answers were not taken in a somewhat exaggerated form. I do not wish to make any charges at all. What we are doing is trying to represent what are our apprehensions, and what are the grounds for them. I do not wish to make any charges against anybody.

374. Let me withdraw the word "charges," and let me substitute it with a comparison between a British Official and the Indian Official. Is nepotism a weakness confined to Indians only?—No, certainly not, Sir.

375. Taking the replies that you have given regarding the source of your fear of the future of the Services, does your Association think that for the next few elections the Congress Party will be returned to power?—That is again a thing which is rather outside our metier, but I think there are certainly grave apprehensions. Some would go so far as to say that it is highly probable; some, indeed, would go so far as to say that it is certain that they will attain power within a comparatively brief period.

376. Talking about pensions you made a statement that pensions were deferred pay?—They are commonly regarded as such. I cannot say that that is their legal status.

377. Are you aware that the Government of India has denied that?—They are certainly regarded as such.

378. Paragraph 7 of Memorandum No. 3 makes a statement about the Public Services Commission in the third paragraph, after referring to safeguards in the past. You say: "Any Public Services Commission in India is not a Body in which the Members of these Associations put any confidence as affording protection to these services as a whole or individual members thereof." Have you any grounds to support that statement?—I have. The apprehensions are

largely, of course, that the Public Service Commission is an advisory body, not necessarily a protective body. But, if I may, I would like to read a few sentences from a lecture delivered last December. It was, by Sir Wilberforce Ross Barker, who was, as you may remember, Chairman of the Public Services Commission.

Sir *Abdur Rahim*.

379. Was he an Indian?—No. This is what he said in the course of his lecture last December. It was a lecture given before the East India Association. "Before I left India, people often said to me that the Public Service Commission under the new Constitution will be a stout shield to protect the European Officer." I am sorry that the word "European" should occur there, but there it is. "I am afraid I must record my conviction that unless its position is drastically altered it will be entirely powerless to do anything of the kind. The Commission is entirely an advisory body. Its advice has been frequently disregarded in the past and is likely to be disregarded in the future. An Indian Government can quote ample precedents for overruling it. Even if its advice were binding on the Government, its sphere is so limited that it is entirely unable to touch the greater number of the matters in which the interests of the European Officer may be adversely affected. I acknowledge the difficulty of setting up the Commission as an *imperium in imperio*; but there is no question as to the need of a body to protect European officials, and I cannot see what body can perform this work other than a Public Service Commission." That, of course, is a Public Service Commission on very different lines from that which exists at present, and, I understand, from that which is contemplated. Those are not my views. Those are the views of a gentleman who himself presided over the Commission, I believe, for a considerable time; and clearly they are that a Public Service Commission of a kind which exists at present and of the nature which, I understand, is contemplated, is not likely to be protective of the legitimate interests, and so forth, of officers in the service.

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Lieut.-Colonel Sir H. Gidney.] That was the impression of an individual, but in this memorandum is the statement of an Association. Has any member over here any personal reasons for apprehension, taking into account the fact that the White Paper recommends that the personnel of the Public Service Commission shall be nominated by the Secretary of State.

Lord Eustace Percy.] I gather the question that has been asked of these gentlemen, several of whom are serving members of the Indian Civil Service, is, whether they have any personal complaints against the Public Service Commission.

Lieut.-Colonel Sir H. Gidney.

380. No; whether they know of any case which supports the statement here, which is very very important?—It is a statement by a gentleman who is Chairman, and, presumably, he has concrete cases before him which led him to that opinion. I would suggest, Sir, if you wish to pursue that question perhaps the Committee would ask Sir Wilberforce Ross Barker, but it is scarcely conceivable that a statement of that kind would have been made by him in a public lecture unless it was the result of personal experience from cases which had come before him. That is reflected, of course, in the attitude of the Association.

381. We are not considering what Sir Wilberforce Ross Barker said. I am asking you whether, as an Association, you can support that statement? You may be able to do so. I am not saying you cannot?—We have not collected any particular instances of it, but no doubt those could be collected if you wish to have them.

Dr. B. R. Ambedkar.

382. You stated a little while ago that there is a great deal of hostility shown to the Indian Public Service by the Indian Press and by the politicians in India?—Yes.

383. I would like to read to you a small extract from the Minute written by Sir Reginald Craddock, which is appended to the Lee Commission Report, on page 132, paragraph 10, a few lines from the bottom. This is the paragraph to which I want to draw your attention: "Several of those who have given evi-

dence before us believe that the hostility from time to time shown by the new legislatures is entirely occasioned by the fact that the members of the All-India Services are imposed on them from outside, and that fresh recruitment for those Services will indefinitely prolong these vested interests; but that, once control passes from the Secretary of State to the Government of India or to the Local Government in the transferred field as the case may be, all bias and animus will disappear." I want to know whether you agree with that statement?—No; I do not think we have sufficient grounds for agreeing with that statement. Of course, if 't should turn out so, it would be good, but I am afraid the Associations have not sufficient grounds for agreeing with the statement that there would be a sudden change of attitude.

384. Do not you think the very fact that you want to remain outside the control of the Indian Legislature, and the new Government will itself be provocative enough to arouse public opinion against you?—(Mr. Shoovert.) Sir, we do not want to remain outside the control of the Indian Legislature. We only want our existing accruing rights, our pensions and our family pensions, secured. We do not wish to be outside the control in the very least.

385. Supposing, for instance, all the rights that may be agreed upon in this Conference as being legitimate rights of the Indian Civil Servants were guaranteed to you by Indian Legislatures by Acts passed by the Local and Central Legislatures would that give you sufficient protection?—We are afraid of the financial situation.

386. That is another matter: whether the Indian Legislature will be able to find the moneys on account of your services and other matters is another matter?—Quite.

387. But with regard to your conditions of service, what I want to press is, suppose they were regulated by the Acts of Indian Legislatures (by rules made by the Secretary of State in Council) do you think that would give you adequate protection or not?—(Sir Patrick Fagan.) No. (Mr. Shoovert.) Such Acts could be repealed by future extremist Governments.

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388. Supposing some provision were made for that, that there would be no sudden repeal of an Act?—(Sir *Patrick Fagan*.) I think I may say that the Associations would certainly not regard that as sufficient protection.

389. I want to make this point which you have made so much of, that there is so much hostility against you in India both on the part of the Press and the politician. Is not it the fact that you are asking for safeguards the result of which is to keep you entirely out of the purview of legitimate public opinion expressed in the Press as well as in the Legislature?—No, I do not think it keeps us outside the purview. I should say certainly not. I certainly do not think that it would keep them out of the purview of healthy public opinion.

390. I want to put this question to you again: Do not you think that if you were under the control of laws made by the Indian Legislature with the consent of the Indian Ministers you would get far better protection from the Indian Ministers themselves when you are attacked in the Press or by the public than you are likely to get if you remain outside?—No; I do not think the Associations would take that view.

391. You just now read some extracts from the Simon Commission Report in support of the statement you made just now. Is it not a fact that Sir John Simon was driven almost against his will to recommend the transfer of law and order simply because he came to the conclusion that to keep that as a reserved subject would expose the services operating in that Department to extreme criticism?—That is again, I think, a subject that we would rather avoid. It is a very debatable subject and I believe there are very diverse opinions on the subject. I am not responsible for what Sir John Simon may have thought.

Dr. B. R. Ambedkar.] Do you agree that that was the reason for its prevailing with the Simon Commission Report.

Sir Austen Chamberlain.] The witness has already asked to be excused from answering that question.

Dr. B. R. Ambedkar.] I do not wish to press it if he does not wish to answer.

Sir Austen Chamberlain.] Surely it is not a proper question to press the re-

presentatives of the Civil Service on, who come to speak to their own special position and claims, and not to take part in a discussion about general reform in India.

Dr. B. R. Ambedkar.] The reason Sir John Simon cites for the transfer of law and order was that reserving that Department outside the control of the Legislature and the Minister would expose the Department to far greater criticism from the Press and the public.

Viscount Burnham.] As a member of the Statutory Commission, what Dr. Ambedkar has said is a most misleading account.

Dr. B. R. Ambedkar.] Possibly I may have misread it.

Mr. Morgan Jones.

392. May I submit, with great respect, that if the members of the Committee, or our colleagues from India, are not expected to cross-examine the witnesses on political questions, they should not give expressions of their political opinions in their evidence?—That is what we wish to avoid.

Mr. M. R. Jayaker.

393. The witness made the statement that Indians in office had been guilty of nepotism?—No, I did not charge anybody. I simply said that is the sort of thing we apprehend.

Mr. M. R. Jayaker.] And I propose to examine, when my time comes, the witness on that point in particular about nepotism.

Mr. M. N. Joshi.

394. In Paragraph 6 (b) you claim the right to retire on a proportionate pension at any time the employee likes, whereas in paragraph 9, and also the principle underlying your demand in paragraph 10, it says that the employer, if he asks the employee to retire, must pay compensation, so the principle seems to be that if there is a change in the controlling authority of a set of employees, the employee is not bound by the contract at all; not only that, but he has to have the right to break the contract at any time he likes, while the employer is bound to keep the employee, and, if he does not keep him, he must pay the compensation. Do I understand

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that that principle is correct?—What we ask for is, that in the case of premature compulsory retirement there shall be compensation.

395. And if the retirement is voluntary?—Yes, in the case of premature voluntary retirement also we ask, for reasons given, for compensation for loss of career, but on a lower scale.

396. I am trying to appreciate the principle, and you argue that, because there is a change in the controlling authority, you claim that right?—There is an entire change in the conditions of service.

397. Yes?—The general conditions of service, as evidenced by the fact that the safeguarding of the interests of the Service has been made one of the special responsibilities of the Governor; that is, so far as it goes, an admission that conditions have been very extensively altered.

398. What would your Association say supposing any claim were made in Parliament for enacting the law of contract so that the employees in an industrial concern should claim the right to break their contract if there is a change in the ownership of the factory?—I am not prepared to enter into a long legal discussion on a rather hypothetical question. I have nothing to do with the law of contract in general, nor have I any proposals or suggestions to make as to its alteration, amendment, or improvement.

399. I am not talking of the law; I am just talking of commonsense law?—Commonsense law, I hope, is technical law.

400. May I ask you a question with regard to voluntary retirement. You ask for the right to retire not only after the Constitution comes into existence, but you ask that that right should remain during the whole period of service? That is to say, for officers now in the Service; we are not asking anything for future entrants.

401. So in the case of these officers they are not bound by any contract to serve. They may retire at any time they like; they may break any contract any time they like. It is only the employer who must keep them?—The principle of voluntary retirement is already in force, and has been in force for several years. It is no more illogical to continue it than to have it now.

402. My point is this: I can understand the principle of voluntary retirement when there is a change in the conditions. When the new Constitution comes into existence the old employees have a right to retire if they like. But you are not asking for that only. You are asking that the employees should have a right to retire at any time he likes until he finishes his service?—That right is already in existence. Officers may now voluntarily retire prematurely.

Chairman.] I hope you will agree that you have got the witness's opinion on that particular point and not press him any further.

Mr. N. M. Joshi.] I have finished.

Sir A. P. Patro.

403. You have just said that all that you and your colleagues want is security for your pay, pension and allowance. In connection with that, are not you satisfied with the safeguards provided in the White Paper of pay, pensions and allowances?—No.

404. You are not satisfied with the safeguards provided in the White Paper?—No.

405. You have made a very damaging statement by saying that the difference between Indian and European officers is by saying that Indian officers are guilty of nepotism?—I am sorry that I found it necessary to use that word.

406. It is a very serious statement. We on this side feel it very strongly?—That is the unfortunate part. We deprecate any idea of causing offence; we do not wish to cause offence.

407. You, Sir Patrick Fagan, have charged Indian officers with nepotism?—I have not charged anybody with anything.

408. You have made a statement explaining the difference between Indian and European officers. Do you, or do you not know, with your long experience in the Indian Service, that there are many Europeans who are liable to this statement?—What statement?

409. This statement of nepotism?—Possibly cases may have occurred. I am not in a position to discuss that.

410. Are you in a position to discuss any cases of Indians where they were liable to be charged with nepotism?—There have been many occasions in my

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personal experience where it has been suggested.

411. Please answer my question?—I am not quite sure what your question is.

412. Could you give me any instance from your personal experience?—Of what?

413. Of this charge of nepotism?—Yes. (Sir *Evan Cotton*.) I know Sir A. P. Patro, and, as far as he is concerned, I would not make any suggestion of the kind he objects to, but I should like to say this, that during the time I was President of the Bengal Legislative Council, and held an entirely detached judicial position, many Indians used to come to me to complain of cases of nepotism on the part of Indian Ministers, and even with regard to the Indian Members of the Council. It was not my business to enquire into them; it was not my business to ask for details. I can only say that Indians used to come to me with those statements.

414. As an Englishman did you ask them if they were prepared to make those statements openly. Did you ever ask them to make those statements openly?—As President of a Legislative Council that was no business of mine. If they had a grievance it was for them to make it public, but I think you will admit that it is very difficult, on account of circumstances I need not go into, for an Indian to get up and say that; and certainly I have seen articles in the Indian newspapers. I remember on one occasion there were constant articles in the Indian newspapers asserting that a Mohammedan Member of the Council always made appointments of his own co-religionists.

Mr. *Zafrulla Khan*.] Is that nepotism? I want to know the meaning of the word.

Sir A. P. Patro.

415. If an Indian Member makes a preference in favour of a Mohammedan or a Hindu, do you call that nepotism?—(Sir *Patrick Fagan*.) That merges into the subject of communal and social pressure. Nepotism, the appointment of friends and relations, is very largely due, when it happens, to the communal and social pressure which is, as is well known, commonly exerted on Indian public authorities. That is a point which, I think, everybody who knows

India is bound to recognise, that communal and social pressure does exist in a very marked way.

416. Do you, or do you not, know that in the Parliamentary Government here you hear of such instances being stated in the newspapers of social pressure being brought upon the Ministers for appointments? Do you know of such statements being made in the Press?—I do not know. We are not talking about this country, but about India.

417. Would you say England is also open to nepotism?—I should be very sorry to make any such charge as that, and I have not made any such charge against particular Indians.

418. Is it your case now that you do not make any allegation of nepotism against any Indian Officer?—Cases of that kind occur. A charge means a definite charge against a definite person. These things occur, as is well known, to everybody who has experience of India. It is well known to you gentlemen.

419. We know it very well, and therefore we want to correct that statement you made. Could you say that either in Bombay, or the Punjab, or any other place an Indian Minister, or a member of the Council, or a Departmental head in India, has been subjected to anything of this kind?—We do not wish to produce any more definite instances than we have already done. If you wish to have definite instances we can no doubt, if you give us time, collect them, but we do not make any definite charge that people have done this. What we say is that this is what we apprehend in the future under the new Constitution.

420. So you have no evidence against the Indians in regard to what has been done in the past?—What do you mean by "evidence"?

421. Proof?—We are not trying any particular case; we are not making any definite allegation against any particular person. You talk about evidence. Sir *Evan Cotton* has given you evidence which is very relevant evidence. I have read extracts from what Sir *Wilberforce Ross Barker* says about the Public Service Commission.

Chairman.] I propose to stop the Inquiry now and ask the witnesses to withdraw.

(The Witnesses are directed to withdraw.)

Ordered, That this Committee be adjourned to Thursday next at half-past Ten o'clock.

DIE JOVIS, 15° JUNII, 1933

Present:

Lord Archbishop of Canterbury.
 Lord Chancellor.
 Marquess of Salisbury.
 Marquess of Linlithgow.
 Marquess of Zetland.
 Marquess of Reading.
 Earl of Derby.
 Viscount Burnham.
 Lord Ker (Marquess of Lothian).
 Lord Hardinge of Penshurst.
 Lord Irwin.
 Lord Snell.
 Lord Rankeillour.
 Lord Hutchison of Montrose.
 Major Attlee.

Mr. Butler.
 Major Cadogan.
 Sir Austen Chamberlain.
 Mr. Cocks.
 Sir Reginald Craddock.
 Mr. Davidson.
 Mr. Isaac Foot.
 Sir Samuel Hoare.
 Mr. Morgan Jones.
 Sir Joseph Nall.
 Lord Eustace Percy.
 Miss Pickford.
 Sir John Wardlaw-Milne.
 Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Dahadur Sir Krishnama Chari.
 Nawab Sir Liaquat Hayat-Khan.
 Sir Akbar Hydari.
 Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
 Sir P. Pattani.
 Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

His Highness the Aga Khan.
 Sir C. P. Ramaswami Aiyar.
 Dr. B. R. Ambedkar.
 Sir Hubert Carr.
 Mr. A. H. Ghuznavi.
 Lieut.-Colonel Sir H. Gidney.
 Sir Hari Singh Gour.
 Mr. Rangaswami Iyenger.
 Mr. M. R. Jayaker.
 Mr. N. M. Joshi.

Begum Shah Nawaz.
 Sir A. P. Patro.
 Sir Abdur Rahim.
 Sir Tej Bahadur Sapru.
 Sir Phiroze Sethna.
 Dr. Shafa' at Ahmad Khan.
 Sardar Buta Singh.
 Sir N. N. Sircar.
 Sir Purshotamdas Thakurdas.
 Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

Sir MICHAEL O'DWYER, G.C.I.E., K.C.S.I., is called in and examined as follows.

Chairman.

422. Sir Michael O'Dwyer, I think you joined the Indian Civil Service in 1885?—Yes.

423. And you held various important posts, including Acting Chief Commissioner of the North-West Frontier Province, Acting Resident in Hyderabad, Agent to the Governor-General in Central India and Lieutenant-Governor in the Punjab?—Yes.

424. When did you vacate the last office?—In 1919. I might say that two-thirds of my thirty-three years' service was spent almost exclusively among the rural population as Settlement Officer and Settlement Commissioner, and in connection with the assessment of land

revenue, irrigation and forestry. Those are the parts of the administration with which I am most familiar.

425. Your administrative experience has extended over a long and eventful period, commencing about seven years after Queen Victoria was proclaimed Empress of India, and closing with the Great War, and just about the time that the Montagu-Chelmsford reforms became effective?—Yes. I was in India when Mr. Montagu came out, and I had an opportunity of discussing the reforms with him and with Lord Chelmsford.

426. You have put in a Memorandum, Sir Michael, and since I received that and caused it to be circulated, you have sent me a note in which you say that

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[Continued.]

you wish, as a postscript to your Memorandum, to add these words: "The views expressed in regard to questions 1, 2, and 3 are to my knowledge shared by a great many retired members of the various Services"?—Yes. Several ex-members of the various Services who are interested in this matter wished to give evidence before this Committee, and as they have not an opportunity of doing so, they have asked me, if I had an opportunity, to express their views. They have given me their views in writing to be put in, if it is thought desirable.

Chairman.

427. I think the most convenient course would be for them to send in memoranda in the usual way. These can then be considered and, if necessary, they can be called as witnesses or their memoranda published as appendices?—Yes, Sir.

427A. Perhaps you will now hand in your own memorandum (7) and let me know whether you wish to amplify it in any way or to make any corrections?—Yes, Sir.

(Memorandum No. 7 is handed in, and is as follows.)

MEMORANDUM 7. PRECIS OF EVIDENCE BY SIR M. O'DWYER.

I am willing to the best of my ability to answer questions on any points raised, but those I wish specially to touch on, are:—

- (1) Federation.
- (2) Transfer of the Police and Courts.
- (3) The British element in the All-India Services.
- (4) That the White Paper goes far beyond the intentions of the Act of 1919.

(1) *Federation.*

The proposed All-India Federation is not an organic growth, but an artificial creation and therefore lacking in stability, cohesion and permanence. It whittles down the share of Great Britain, hitherto the sole unifying influence in India, from that of predominant partner or Managing Director to that of mere watchman. Great Britain's position as the creator of modern India is not adequately represented by the few seats proposed in the All-India and Provincial Legislatures for Europeans. Those seats merely represent the small, though important, British *non-officials*, but they completely ignore the British Government—the Crown and Parliament—which has made India what it is to-day. Hitherto that interest—the greatest of all the factors, Great Britain, British India and the Indian States—has been more or less adequately represented by the nominated official element in the various Legislatures. That element is now to be wiped out in deference to some spurious interpretation of the terms "representation" and "responsibility." With it will disappear the only effective means of asserting British influence and British ideals; also the agency which

has supplied and still could supply invaluable administrative knowledge and experience to the new Legislatures, and which is often able to act as mediator between opposing factions. The Panjab with its canals irrigating 12 million acres, its great railway system and its 10 large military cantonments is essentially a British creation. In the proposed Legislative Council of 175 there will be one man to represent British interest! Against the component units of the proposed federation are not *ejusdem generis*; (1) they vary in the extent of jurisdiction to be surrendered to the Federation as between British India and the States; (2) the States vary among themselves according to their treaties and the haggling which must precede their agreements to come in; (3) Even the adhering States are to be allowed to retain their Land and Sea Customs—a system contrary to the first principle of Federation; (4) Finally British India will *elect* its representatives, the States will *nominate* theirs. Hence friction is almost inevitable from the start not only between the provinces and the States *inter se* on communal and political issues, but also on economic grounds. The reasons which have led Burma to hold aloof, rather than be taxed for the benefit of industrialised Bombay and Bengal Manufacturers will apply with equal force to other agricultural Provinces, Panjab, U.P.C.P., etc. Thus the centrifugal forces will be strong from the start, and if the Federal Government, with a Hindu majority, endeavours to force its will on provinces with a Muslim majority, what is to prevent a breakaway of the Panjab Sind, Baluchistan and the N.M.F. as already foreshadowed and their possibly forming

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[Continued.]

a Muslim Federation of their own. British prestige and common allegiance to the Person and Throne of the King Emperor have hitherto held the Indian Empire together.

The Federal idea, an abstraction with no roots in the soil, no traditions behind it, is but a poor substitute. A Federal Government is everywhere apt to be weak and dilatory in action; in India from its artificial constitution it will be especially so, and will be powerless to prevent secession of powerful provinces such as those of the north-west. The Federal idea was in 1930 welcomed by certain Indian Princes anxious to safeguard their future which they thought threatened by the 1929 declaration about Dominion Stations: it was enthusiastically promoted by some of the ablest Indian politicians as the most likely method of obtaining control of the Central Government; it was rather hastily accepted by the Government then in power and by representatives of the Liberal Party in the first Round Table Conference as a possible means of securing the Central Government against Control by the Congress Extremists.

None of the three parties at the time appears to have realised the implications of the Federal Scheme. They do not appear to have studied the admirable exposition of the difficulties in the Simon Report, Vol. II, page 14-20, and in particular the following pregnant passage, "We have already indicated the need for a reconsideration of the boundaries of the present provinces, and we have expressed our hope that at some future time the Indian States may adhere to an all-Indian Federation. We are therefore faced with the situation that we are trying to federate elements, some of which have not yet been finally delimited, while others have yet to express their willingness to enter. But even if we were to ignore the Indian States and were to rest content with the Provinces as at present constituted, the necessary conditions for bringing a fully Federal Constitution into being are not yet present. The Provinces must first become political entities; even when our proposals for the constitution of the Governors' provinces have been embodied in a Statute, the process is not completed. The provincial constitution only begins to exist as a living thing when the forces which operated it are at work and provincial opinion gives it inspiration and direction". Can any thinking man with even a slight knowledge of

history and constitution, question the wisdom of that conclusion? Had the Simon Report been presented to Parliament, like that of other Royal Commissions, is it likely that Parliament would have hesitated to accept that conclusion? Those who talk of a "new situation" having been created by half a dozen Princes accepting the Federal idea in 1930, should study the above quotation which makes it clear that as regards the Provinces of British India the conditions of Federation have yet to be established. A premature attempt to impose a Federal System before conditions are ripe for it will retard rather than promote the realisation of the ideal.

(2) *Transfer of the Courts and Police in the Provinces.*

It was laid down in the Act of 1919 that the future advance was to be "by stages", and conditional on Parliament being satisfied that a sense of responsibility and a spirit of co-operation had been meantime shown by the Indian politicians. The Simon Commission proposed the transfer of the Police and Courts with grave misgivings and on the distinct understanding that the Central Government would remain responsible to Parliament and that Provincial Governors should have power to select one or more Official Ministers from outside the Legislature who might be given any portfolio. They admittedly took no account of the contemporary outbreaks of communal violence which render it essential to retain the present system till the bitter communal feeling is replaced by a sense of co-operation and common citizenship. Those outbreaks have become more frequent and bloody since their report, and are only kept in check by the loyalty, discipline, and impartiality of the Police under their efficient British and India Officers. The stage for the transfer to the control of a Minister, who will generally represent a communal majority, has not yet arrived. For internal security the Police, though organised provincially, is as much an all-India force as the Army, of which it is the eyes and ears. Hitherto both have worked under one Control as the first and second lines of defence.

To place them under different and possibly conflicting authorities will inevitably seriously imperil public safety, e.g., it would make it impossible to unravel the many dangerous revolutionary conspiracies which have ramifications in several provinces. It will also shake, if

not break, the splendid loyalty and morale of the force and lead to the rapid disappearance of the 600 British Officers who have made it what it is to-day; while it will be even more unpopular with the Indian personnel. One result will be that the Army will have to be called out much more frequently to quell Civil disturbances, another that the prevention and detection of crime will suffer. Even if the transfer of the Police and Courts is withheld till it can be made without serious risks, provincial autonomy will be enormously extended by the transfer of the other subjects at present reserved viz., Finance, Land Revenue, Irrigation, Forests on which the progress and welfare of the population mainly depend. Surely that is taking as great a risk—especially the transfer of irrigation covering 40 million acres—as conditions at present justify.

(3) *The British Element in the All-India Services.*

The Simon Report (page 268) shows the total strength of the all-India services in 1929 as 4,279, of whom, I estimate, slightly over one-third was then Indian and less than two-thirds British. But the British element has declined steadily since then because under the Lee Commission proposals—

(a) The Indian Service of Engineers—excluding Irrigation (270).

(b) The Indian Educational Service (421).

(c) The Indian Agricultural Service (157).

(d) The Indian Veterinary Service (54).

(e) The Indian Medical Service (Civil) (420)

have been provincialised since 1925-26, and except for the Medical Service, British recruitment has practically ceased. As the Simon Report remarks "It is of course open to the Provincial Authorities to recruit Europeans under the new System. To what extent they will endeavour or succeed in doing so must necessarily be a matter of speculation". In actual fact the extent is, I believe, nil. The Simon Commission, impressed by the smallness of the British element in the administration generally (e.g., only 230 British in the judiciary to 2,500 Indian), the immense importance of Irrigation and Forests in rural economy, suggested that the Government of India should reconsider the proposal to transfer Irrigation and Forests. But

the Government of India in their dispatch of September, 1930, adhered to their proposal. In my view this was subordinating the interests of the rural masses to the desire to meet the wishes of politicians, and I know that certain heads of Provinces, in which the rural welfare depends largely on Irrigation view the proposal, which will involve the elimination of the small British element, with dismay. The White Paper not only contemplates this transfer, but also opens the door to the complete Indianisation of the two remaining services—I.C.S. and Police. They are to be recruited by the Secretary of State on the lines of the Lee Report—to work up to fifty-fifty—for five years, and then the question is to be reconsidered. Even this mild proposal is denounced by moderate Indian politicians as an "intolerable indignity". It is the above services that, supplemented by British Capital and aided by the Indian Colleagues and subordinates they have trained, that have made modern India. It is the British element that has shown the initiative and resource and set the standards of impartiality, integrity and efficiency, which have raised Indian administration so much above that of any other Oriental Country. If that element is eliminated, those standards will inevitably be lowered and the Indian masses will be the chief sufferers. Even if the Lee Report is followed for the I.C.S. and Police the British element will be limited to half the personnel in each—or a total of about 1,000 for a population of 353 millions.

Even now the smallness of the British element, is a serious danger, and in the event of a crisis may lead to disaster. Even in the judiciary I have good reason for knowing that complaints are frequent that the administration is suffering, and in the executive line the state of affairs is worse. The White Paper does not reflect these views. As an example, there is at present a statutory provision that one-third of the Judges of the High Courts should be recruited from the I.C.S. the object being to secure in those Courts men, whether British or Indian, with an intimate knowledge of the people, their languages, customs, land-tenures, etc. which can only be gained by long administrative and judicial experience. The White Paper, doubtless in its desire to please a section of Indian opinion, abolishes that wise provision. Wherever complications arise, whether, in British districts or Indian States, the

demand is for a British Official—I.C.S., Police, Engineer, etc.—to handle the situation. It is now increasingly difficult to find them; if the policy of the White Paper is followed, it will soon be impossible. My experience in Indian States (10 years) as well as in British India convinces me, that a fairly strong British element is essential in all the services detailed above, if progress and efficiency are to be maintained, and that is the view of the Indian peoples themselves. I believe the reports of the Agricultural and Education Commissions of recent years go to confirm that view, although those are the Departments in which a British element is usually deemed to be least essential.

Official Control of Local Bodies—District Boards, Municipalities, etc.—has been abandoned to an extent far beyond that in Great Britain under the Act of 1919. What is the result? The Governor of Bihar and Orissa reported to the Simon Commission "Misappropriation of public funds is a subject rather for mirth or envy than for reprobation". Notable instances of gross maladministration could be quoted from nearly every Province, the great cities of Calcutta, Bombay, Ahmedabad, Poonah, Lahore, etc., as being among them. *Facilis descensus Averni*, and in the interests of the masses, urban as well as rural, we should hesitate to impose Western democratic institutions where you have not the Western, or at least British, safeguards of a free press, fairly enlightened public opinion and a sense of equal and common citizenship.

(4) The White Paper goes beyond the intention of the Act of 1919—in regard to the three lines of advance "by stages" there indicated, viz.:—

(a) Increasing Indianisation of all branches of the administration.

(b) Gradual development of self-governing institution.

(c) The ultimate realisation of responsible Government in India as an integral part of the British Empire.

Some of the reasons for this view have been stated above. I shall be prepared to offer others if necessary.

In the Act of 1919 Parliament repeats its responsibility "for the welfare and advancement of the Indian peoples". Hitherto it has discharged that responsibility well. Before it is asked to transfer that responsibility to other hands, it should be satisfied that the new authority will discharge it at least as well. The

essential tests of "welfare and advancement" are:—

(1) Internal and external security.

(2) Pure and impartial justice.

(3) Progressive and efficient administration.

(4) Light Taxation.

The proposals should, if sound, be able to stand these tests. In my opinion they jeopardise each of the conditions.

Chairman.

428. Sir Michael O'Dwyer, may I refer you to your Typed Representation? Towards the end of the second paragraph of Part 2 you say: "Even if the transfer of the Police and Courts is withheld till it can be made without serious risks, provincial autonomy would be enormously extended by the transfer of the other subjects at present reserved, namely, Finance, Land Revenue, Irrigation, Forests, on which the progress and welfare of the population mainly depend. Surely that is taking as great a risk—especially the transfer of Irrigation covering 40,000,000 acres—as conditions at present justify." Do you recommend that the transfer of those subjects should be made?—Well, if you maintain a British element in those Services, a fairly substantial British element, I do not see why that experiment should not be proceeded with. One has to advance in the direction of provincial autonomy, and this amount of advance, in my opinion, can be made, with considerable risk it is true, but not with the same risk as the transfer of the Police and the Courts.

429. That is what your Memorandum suggested, and I just desired to be certain that that is what you had intended?—Yes.

Chairman.] I propose to reserve any further questions until I hear what my colleagues are going to ask you.

Archbishop of Canterbury.

I reserve any questions, my Lord Chairman.

Marquess of Reading.

430. Sir Michael, without reading your Memorandum with great care, as it properly deserves, it is not quite clear to me from it what your view is with regard to the Statutory Commission. I notice my Lord Chairman has put a question to you which has helped to elucidate the Memorandum, but would you tell me this? As I gather from what you say, you naturally, like the rest of

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us, I think, have great admiration for the work of the Statutory Commission. That is right, is it not?—Yes.

431. And to clear the ground, once for all, particularly where we are on common ground, it is a very wonderful piece of work which is most useful to us all, and I gather that that is your view?—Yes.

432. Now what is not quite clear to me is this. Perhaps, a letter from you in the "Times" this morning, which I have read, has helped to clear it, but I will put the question in order to get it quite plain before us. As I understand it, whatever your view may be of that Commission's Report, do you agree with the recommendation that notwithstanding that there is some risk involved, law and order, to use the popular term, should be transferred to the Provincial Government?—I do not agree.

433. I rather understood that from your Memorandum, and from some observations upon it?—Yes.

434. May I ask one further question? Of course, I am not attempting to limit you to small matters, but, generally speaking, as I understand from what you have said, you are in agreement with the Statutory Commission, save in respect of the transfer of law and order. Is that right?—As regards law and order, no, I am not in agreement.

435. I do not think you followed my question?—I beg your pardon.

436. I said, generally speaking, as I understand from your Memorandum and from what you have said, you are in agreement with the Statutory Commission's Report save in respect of the transfer of law and order to the Provincial Government. That is the point to which you take exception?—As regards the Provinces, yes.

437. Clearly?—Yes.

438. I quite follow that, and, of course, my question was limited to the Provinces in that way. When we come to the other questions, I just want to ask you one or two questions, to get it clear. Now you would agree, would you not, Sir Michael, that for some time there has been a discussion in the past with a hope, and more than that, perhaps, that in the future there would be a Federation of all India? I mean, no doubt you, as Lieutenant-Governor, just the same as others who have held high posts, have discussed this. The difficulty always was, apart from other diffi-

culties, that nothing of that kind could take place until the Princes expressed their readiness to join in an All-India Federation. That is right, is it not?—Yes.

439. And, of course, I do not want to trouble you with passages. You quote one passage from the Statutory Commission to which I will call attention in a moment. I am not quite sure that we are agreed in its interpretation, but looking through that Report, you refer to the pages in it, and I think you refer to pages 14 to 20. I think one might begin, and no doubt those of us who have read it, would begin at page 9 of the Statutory Commission's Report where the Federation is dealt with. I am not going to trouble you with reading that, Sir Michael. Your quotation, as I understand it, comes from page 19 of the Statutory Commission Report, Volume II.

Sir Austen Chamberlain.

Which page of the Witness's Memorandum are you referring to?

Marquess of Reading.

440. I am referring to the long passage which is quoted in the last paragraph of Part I of the Memorandum. I said that that passage is actually to be found at page 19 of the Statutory Commission Report, second volume, but I drew attention to the fact that the discussion on Federation entitled "An All-India Solution," begins in that Report at page 9. Now the only point of my calling your attention to this, Sir Michael, is that I just wanted to show that there are a series of statements in the Report. All I wanted to do was to call attention to this fact, that in the passages before you get to the passage which you quote, which is an excerpt from page 19, there is a considerable amount of discussion about it, and, generally speaking, an expression of opinion in favour of Federation. That is quite a fair summary, is it not?—Quite.

441. And it shows also that that happened and that it had been discussed, of course, in the Montagu-Chelmsford Report?—Yes. The passage is given at page 13, and again in a later page, but I will not trouble you with reading it; it is open to any member of the Committee to deal with it; your answer makes it unnecessary. Then when you come to the passage which you quote, which is the one beginning: "We have already indicated the need

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for a re-consideration of the boundaries of the present Provinces," and so forth—have you got that before you, Sir Michael? It is paragraph 31, page 19?—Yes, I have got it.

442. You see you quote from the words "We have already indicated" to the words "inspiration and direction"?—Yes.

443. What I wanted to ask you about that was, are you suggesting that that is an opinion against Federation?—No, certainly not, but it shows that the conditions in which Federation can be established are not yet forthcoming.

444. That is what I thought you did mean?—Yes.

445. In fact, the value from your point of view (we have got the Document before us) as I understood it, and especially having regard to a letter of yours in the "Times" this morning, is in the last two sentences: "The provinces must first become political entities. Even when our proposals for the Constitution of the Governors' Provinces have been embodied in a statute, the process is not completed. The provincial constitution only begins to exist as a living thing when the forces which operate it are at work and provincial opinion gives it inspiration and direction." It is those last two sentences you are relying upon, is it not, as I follow your argument. Is that right?—Yes. My argument at this stage is that while favouring federation as an ideal, I thought any premature attempt to establish it before the conditions existed would make it more difficult of realisation.

446. That is what I understood you to mean?—Yes.

447. That is to say, you, like most of us, at any rate, who have had anything to do with India look upon it as an ideal to be realised?—Yes, quite right, if it is feasible.

448. But your point of view is that you have to go more gradually?—Exactly.

449. And, as I understand it (I am trying to do justice to the argument put here) in particular your point is that you want the provinces to be political entities before you really shape your federation?—Yes.

450. That is the point you are making?—Yes.

451. You are quoting this for this purpose?—Yes.

452. While I quite understand your point, may I point out to you that the

passage here in the evidence to which you have referred does not really support that. I am not going to argue about it, but Members of the Statutory Commission are Members of our Committee, and we can all interpret it for ourselves, but I am going to suggest that your interpretation is not quite correct, or at any rate the one I should put on it, in order that you may meet it if you think it necessary. What I want to put is: What the Commission is referring to there is the necessity for having the provinces in existence as political entities before you can bring federation into operation. Is not that right?—Yes, I agree. That is one condition.

453. And, of course, may I suggest to you (at any rate, speaking for myself) that I would agree absolutely with that. I should not have thought that there could be any two views about it, that is to say, that before you can make your federal constitution a living thing, to use the words relied upon by you in the paragraph, you must have the provincial autonomy in the provinces, you must have what is described as the political entity of the provincial government. That is right, is it not?—Yes.

454. If you do not do that you have not the body together with which you can confederate; that is to say, your unitary Governments must be there before you can begin your federation. That is right, is it not?—Yes, that is right.

455. So far I doubt whether there is any difference of opinion. The only thing I want to point out is that the view that you have expressed and I have put to you is not inconsistent in the slightest degree with the proposal of the White Paper. That is where perhaps there is a difference of opinion?—Yes.

456. What I mean is this, and I want to put it to you quite clearly, because it is of importance, especially in view of what you say. The White Paper, as I understand it, never makes the suggestion that there should be federation as a living thing that is brought into operation until you have the political entities of provincial governments actually formed and in existence? That is right?—Yes.

457. And, of course, you must form your federation of States and these provincial Governments as proposed in the White Paper?—Yes.

458. I am putting questions to you with the idea of saving time and, as I understood, we were saving time by agreement on certain points. If you do not follow my question, or if you think

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[Continued.]

it is too long, do not hesitate to make the observation?—Thank you.

459. I know you sufficiently well, Sir Michael, to think that you would not want the protection of this Committee in that respect?—No.

460. The whole point of what I am putting to you, without troubling to read long passages from the Statutory Commission Report, is to establish this, that that passage on which you rely indicates the necessity for the provincial Government being in existence before you can make the federation a living thing?—I agree the provincial Government must be in existence and exercising its powers as described in the quotation from the Simon Report.

461. What I was pointing out to you, because it is an argument which may be used (certainly I shall use it later), was that this passage on which you rely does not contradict in any way anything that is in the White Paper. That is why I am putting it to you. I know it is not your view?—Might I state my view?

462. You have the right to state anything you like, by all means, as far as I am concerned?—My view is that the provinces will not be political entities until they have got charge of the whole field of provincial administration, and when they are in a position to balance their budget and take over control even of law and order, and I do not see that those conditions are realisable at the present stage, because I consider conditions at present do not justify transfer of law and order.

463. I quite follow what your view is in regard to it. What I am suggesting to you is that the White Paper which pre-supposes or proposes that there shall be a federation, assumes that the provinces will have become political entities before the federation can be a living thing. You agree that?—I agree with that, that when the provinces become living entities in the sense that I have described, the conditions as regards the provinces will then be ripe for them to come to a decision as regards federation.

Sir John Wardlaw-Milne.

464. I understood Lord Reading's question to the witness to be whether he, the witness, agreed that that was what the White Paper adumbrated?—Yes.

Sir John Wardlaw-Milne.] I do not understand that the answer we have received was to that effect. I am not quite sure that the witness understood

that he was asked how he interpreted the White Paper.

Marquess of Reading

465. Not quite that; we can deal with that. What I was putting to him was, as I thought, something upon which there could be no disagreement by anybody; not a question of interpretation at all, but merely to put another question which I have not yet put. I will repeat it so that there can be no doubt. I was putting to you that the White Paper itself pre-supposes that there will have been established the provincial governments as political entities before the federation can become a living thing?—Yes; I accept that.

466. There cannot be any doubt about that. The real point of this discussion, as I am putting it to you, is: You refer to the passage in the Statutory Commission's Report as a passage which supports your argument. I am pointing out to you that there is all the difference in the world (this is the point) between saying "You must have provincial governments in existence as political entities before federation can become a living thing," and saying: "You must have provincial governments in existence as political entities before you can form a federal constitution." You follow quite clearly what I am putting?—Yes; I follow.

467. I agree, and I understand from what you have said already, you would take the second view of that?—Yes.

468. If we proceed from that, I think I have got your view quite clear to me, and I will not repeat it. The next thing that I wanted to ask you about is an earlier part of your observations. I do not want to read your Memorandum to the Committee; we have got it before us, but you refer to the secession of powerful provinces. Have you got the passage before you?—Yes.

469. It begins: "The reasons which have led Burma to hold aloof," and so forth?—Yes.

470. Then you say: "A Federal Government is everywhere apt to be weak and dilatory in action; in India from its artificial constitution it will be especially so, and will be powerless to prevent secession of powerful provinces such as those of the North-West." What is not clear to me is, what have you in mind when you are speaking of secession of the provinces in relation to the matters that we are now discussing?—I thought there would be considerable

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[Continued.]

divergence of opinion in the provinces on economic questions: The agricultural provinces of the North of India have an interest in low tariffs and in getting facilities to export their wheat and cotton, and in the past, and I think more so in the present, there has been a complaint that the fiscal policy of India as a whole has been determined rather in the interests of the industrialised provinces such as Bombay and Calcutta rather than in the interests of the Indian producer and consumer.

471. Sir Michael, I was asking you only this question about secession. I found it rather difficult to understand, and from the answer that you have given I still do not quite follow. Secession, as I gather from your paper means the provinces seceding from the Federal Constitution. That is what you meant?—Yes.

472. But the difficulties which you pointed out are difficulties which you admit exist to-day, and have existed?—Yes.

473. You, for example, as Lieutenant-Governor of the Punjab, have had very great opportunity of observing them?—Yes.

474. This question between an agricultural province and an industrialised province is one that is constantly happening in India?—Yes.

475. And when you say "secession" have you in mind something in the nature of revolution?—No.

476. Then I do not understand?—What I mean is that when the provinces are established on their own feet and autonomous, their position will be infinitely stronger than it is at present, and, under the future Constitution, to my mind, the position of the Central Government will be considerably weaker. Therefore the link that holds the provinces together will be less powerful than to-day, and if a particular province thinks it is not getting fair play from the Central Government, I consider that certain provinces would say: "We prefer to leave the Federal Constitution," as is happening in Australia to-day, I believe, "rather than to have our interests jeopardised by the policy which the Federal Government is at present carrying out," and it would be impossible (I am thinking of the Punjab), supposing the Punjab adopted that attitude (I do not say it will), to bring pressure to bear to coerce it into remaining in the Federation if it wished to leave it, especially if it has not entered the Federation by its own choice.

477. There is nothing new in this. These conditions always applied?—But the future conditions will tend much more to a breaking away than at present. At present you have a strong Central Government and weak Provincial Governments. In future under this scheme you will have strong Provincial Governments and a weak Central Government; therefore, the influence that makes for cohesion at present, the Crown and Parliament, will have been enormously weakened.

478. There is one important matter on which I wanted to put one or two questions to you. That is on what you call No. 2: Transfer of the Courts and the Police. When you say "the Courts and Police," you are not including the High Courts, are you?—No, the High Courts are under a different Statute.

479. It is very important to keep that clear?—Yes, I admit that.

480. Because I have seen a good many references to the Courts and Police being handed over?—Yes.

481. In point of fact, Sir Michael, you, from your experience and knowledge of the White Paper, will agree that the High Courts, so far as appointments are concerned, are entirely independent of the local Government?—Entirely.

482. Except, of course, the High Court of Calcutta, which stands in its own special class?—Yes.

483. What I may call the expenditure, except in regard to salaries, and so on, would come under the local Government. That is right, is it not?—Yes.

484. But both appointments and salaries would be matters certainly under the present scheme which would not come under the Federal Legislature, inasmuch as the salaries would be non-votable?—Yes.

485. That is all quite clear?—Yes.

486. The only reason I am getting this quite clear from you is that, although you would not misunderstand, there are a good many who would, when you talk about the Courts in India, and I have noticed that already there is a great misunderstanding about it. We have that clear, that your observations do not apply at all to the High Courts?—No.

487. The observations do apply, of course, to what I may call the subordinate Courts?—To every Court below the High Court including Courts having power of life and death and having complete original jurisdiction and considerable appellate jurisdiction—the whole machinery of justice.

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[Continued.]

488. They are subordinate Courts to the High Court, which is the Appeal Court in these matters and has to deal with them?—Yes.

489. That is all I wanted to get quite clearly from you upon that?—Yes.

490. In regard to these Courts, there are some 2,500 Indians already in this judiciary and, according to you, only 230 British?—Yes; those figures are quoted from the Simon Report.

491. That is quite right. I had not checked them but I assumed they were correctly reported?—Yes.

The Marquess of Lothian.

492. Your criticisms of the White Paper are very clearly expressed. May I get a little more clearly what your alternative to the White Paper is? As I understand it, you accept the 1917 Pronouncement as the broad purpose of British policy in India?—Yes.

493. If I read your paper correctly, you want to modify both the Simon Commission proposals and the White Paper in certain respects. I think you would maintain the official *bloc*. Is not that correct?—Yes, for this reason, that under the present proposals—

494. You have given your reasons very clearly, if I may say so. I want to get what you are after?—Yes.

495. You would withhold the whole of the Police and Courts from Provincial control?—At present.

496. I think you would stop further Indianization of the services. Is that correct?—No.

497. You would allow the Lee Commission Report to go through?—Certainly.

498. You would maintain the existing centre unchanged, without any Federal character?—Yes, unchanged in its responsibility to Parliament.

499. That would depend, as you know very well, upon an active co-operation from elected Indians to work properly. I think, if I may give you the figures, out of 935 Members of the Provincial Legislatures, only 176 are officials and out of 145 Members of the Legislative Assembly only 26 are officials?—I take the figures from you.

500. Those figures are out of the Simon Commission Report?—Yes.

501. There is an electorate to-day of seven million people for the Provinces and one million electors for the Legislative Assembly?—That is so.

502. Therefore, the whole constitution to-day depends upon an active co-opera-

tion of a large proportion, anyhow, of politically-minded Indians?—Yes.

503. Do you think you will continue to get that co-operation under the proposals as you put them forward?—I think, if the proposals can be justified, reasonable men, whether British or Indian, will accept them.

504. You do not like to express an opinion upon a matter of fact as to whether they will or will not?—I will. I express the opinion that, as regards the Provinces, you are giving such wide and extended powers to the Provincial Governments, that it is reasonable to ask politically-minded Indians in the Provinces: "Show us your capacity to work this extended sphere of self-government, and then we will transfer the only remaining sphere, the control of the Courts and the Police." That is the view I take.

505. Supposing your hope is not realized and you do not get co-operation from India: how would you propose to deal with that situation?—If you could not get co-operation on those lines I would say that the opposition was unreasonable and it was the duty of the British Government to discharge its primary obligation of maintaining security to the masses of the people in India by reserving the control of the Police and the Courts till they thought that risk of transfer could be taken without serious detriment to the interests of the people of India.

506. That would mean, as I understand it, that you would have to suspend the Constitution altogether?—Not necessarily. I think you are taking an extreme case. I do not think it would be necessary to suspend the Constitution. I think many reasonable Indians will accept that view if it is made clear to them why that view is being put forward, not in the interests of the British Government, but in the interest of the masses of the people in India.

507. It has often been said that one of the roots of the difficulty in India is that the instruments for the development of opinion, namely, the schools, the universities, the newspapers, the elections, and the legislatures, are in the hands of nationally-minded Indians?—Yes, that is the view.

508. And that the power for maintaining government is still in the hands, on the whole, of Great Britain?—Yes.

509. Do you think it is a strong or a powerful form of government under which all the instruments for forming political opinion are in one set of

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people's hands and all the instruments for dealing with the consequences in another?—No, I would not go so far as to say that all the instruments for creating public opinion are in the hands of the Nationalists and that all the instruments for creating what I suppose would be called repression are in the hands of the Government. I think that would be too extreme a statement.

510. Let me take the schools, the universities, the newspapers and the legislatures, which are predominantly Nationalist to-day: Would not it be necessary to do under your scheme what is done everywhere else in the world, I think, where you have a strong Government not based on popular opinion, to control the schools, the universities, and the newspapers and to have a Party of your own in every legislature in order to get the strong Government which you quite rightly seek to maintain?—I think there is a great desire for a strong Government already among the great mass of the non-vocal opinion which would support the Government if the Government puts its views forward and has a clear and definite policy. It is the fact that policy has been rather wobbling and uncertain that has given rise to a great deal of confusion of thought; and once it is made clear to the people of India that we have a clear and definite policy which is in their interests, then I think we will find a great body of political opinion in India on our side.

511. Will it find expression in the constitutional form which exists to-day or which it is proposed to put up under the Simon Commission proposals?—I do not see why it should not. I can only speak of my own Province, the Punjab, and I know that in the Punjab opinion, for instance, has set definitely against the Congress policy which is the policy favoured by the classes that your Lordship has quoted. I think there is a great body of reasonable opinion in India, and we have to give it form and shape, and if they think that our attitude towards the future Government of India is determined solely in the interests of the educated minority, then naturally the people will lose confidence in us.

512. You said just now that one of the difficulties about Indian policy was the vacillation, or to use your word, wobbling, of the British Government?—Yes.

513. Have you got any proposals for obviating that wobbling which is always

inherent in democratic institutions in England?—I only hope that the Joint Committee will offer a solution. I am too humble a person to venture to put forward my solution.

Mr. Isaac Foot.

514. I have only two questions to put to you, Sir Michael. You will remember what took place when the Round Table Conference met first of all, when, at its first sitting, the proposals were made for Federation?—Yes.

515. Do you remember that the express question was put to the representatives of the Princes whether they would be prepared to federate with the Government as it exists at present, and their answer was "No"?—I believe that is so.

516. You have read the Reports, I have no doubt?—Not recently, but I will take it from you.

517. And that an express question was put by Sir Tej Bahadur Sapru to the Maharajah of Bikaner, who at that time was the spokesman for the other Princes, who stated expressly that they would only federate with an India where there was responsibility at the centre?—Yes, I think a statement of that kind was made by the Maharajah of Bikaner.

518. You may take it from me that it was an express statement put in answer to a specific question which was put by Sir Tej Bahadur Sapru?—But I do not think the Maharajah of Bikaner had any authority to speak on behalf of the great body of opinion. That was his own view.

519. Are you aware that a statement similarly expressed was made by His Highness of Bhopal, His Highness of Patiala, and every spokesman for the Princes at the first Round Table Conference?—That is so; six of the Princes, I think, made that statement.

520. And that, during the sittings, there was nothing said that would in any sense modify that expression of opinion?—Not during the sittings; but I know from what some of the Princes themselves told me on that occasion that before they went back to India they were very much inclined to reconsider what they had said, and some of them did so at the earliest possible opportunity when they arrived in India. They felt as if they had been rushed into a position which they had not quite understood.

521. Then we may take it that it is your opinion that what was stated to us in express and unequivocal terms was not really the opinion of the Princes

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themselves?—No, I would not say that. I think at the time they were carried away by the enthusiasm for this great ideal, and it is a great ideal, and they did not fully realise its implications. They have studied it since, and I think their misgivings have increased.

522. Assuming that the statements that they then made were the statements of their policy, what would have been your answer to their argument that they were prepared to come into the Federation only upon those terms, a Government responsible to the Indian people with responsibility at the centre? What would be your answer to that, assuming that is still their view?—I would assume that it went a long way to create the conditions necessary for Federation. But may I say here that the Princes themselves on various occasions in conference have expressed most varying opinions. The last authoritative statement of theirs I find in March, 1932, at Delhi, was this. They would be prepared to join an All-India Federation if the Crown will guarantee that their rights of internal sovereignty are untouched and that the obligations of the Crown to the States remain unaltered.

523. That, I think, corresponds with what was said at the first Round Table Conference, but assuming that the statements made by the representatives of the Princes at the first Round Table Conference still remain their policy, you say that Federation is brought immediately within the scope of practical politics?—That all depends upon what you mean by "immediately." You have got to consider not only the States; you have got to consider the Provinces of India. As far as the Provinces of India are concerned, it is a great step forward.

524. Then one question upon the general issue, Sir Michael. You are, I suppose, in agreement, are you not, with what was stated in the last chapter of the first volume of the Statutory Commission as to the growth of opinion in India on the demand for self-government?—Yes, considerable growth.

525. And the opinion also of the members of the Statutory Commission that it was in the highest degree important that that demand should be met?—Yes, always with this proviso, that in trying to meet the reasonable aspirations of Indian politicians, you should not sacrifice our primary duty to administer the government for the benefit of all our fellow subjects in India. That, I think, is the governing factor.

526. That demand which is spoken of by the Statutory Commission is a demand that their Government should be one of themselves, and not of a people 6,000 miles away?—When you speak of the people, you speak of the politically minded class. I am thinking primarily of those who are not politically minded, to whom we have a prior obligation.

527. You seek to establish a distinction between the politically minded people of India and the great bulk of the 330,000,000?—The politically minded people naturally desire to proceed as fast on the road of self-government as they can. The great mass of the people are not concerned—95 per cent. of them—with political aspirations at all. All they desire is that we should continue to give them the essentials of good government. My view is that if you proceed too fast, you sacrifice and imperil some of those essentials.

528. Are you aware of the evidence that was put before the first Round Table Conference, that a desire for self-government was not confined to a small class, but was now very much larger?—I accept that, yes.

529. There is only one further question. How would you meet that demand?—I would meet that demand by carrying on the experiment as giving greater facilities for self-government in the Provinces by transferring to the Provincial Governments the control of the all important matters which are now withheld from them, such as Land Revenue, Forests, Irrigation and Finance. I say that is an enormous addition to the powers which you already exercise, and if you are able to satisfy Parliament and the people of India that you exercise those powers wisely and well, then you can take over the remaining powers—that is the control of the Police and the Courts.

530. But supposing that the concession that you speak of does not in the opinion of the Indian people meet their demand, who is to judge?—The British Parliament must be the final judge of the measure and time of every advance, and Parliament, of course, in coming to their decision, will be influenced by all the evidence available, not only the demands of the politically minded, but by what they consider to be the interests of the masses of India who are not politically minded.

Marquess of Zetland.

531. I only want to ask one question. Sir Michael, in the second paragraph of

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Part 2 of your Memorandum, you paint a picture of the results which you say will follow if the Police are transferred in the Provinces, and certainly the picture is a very grave one. It is in the middle paragraph on page 3 of Sir Michael O'Dwyer's Memorandum. I only want to ask you what are your grounds for prophesying that the 600 British officers would rapidly disappear?—We know that when the last reforms were introduced, I think 120 British Police officers accepted the alternative of getting proportionate pensions, and retired; and I know—I have personal knowledge from the Heads of Police in India and from individual officers—that they consider that if this transfer is made, there will be a very large exodus of senior officers of the Police to take proportionate pensions. I also am influenced by the fact that the White Paper does not guarantee the permanent maintenance of All-India recruitment for the Police; that is to be thrown into the melting pot after five years; and I consider it would be very difficult to get any candidates suitable for the Indian Police to come forward under those conditions; and, further, when the transfer is carried out, if the transfer is carried out, the officers must look forward to a time when they will be under the control of Provincial Ministers. It may be a prejudice, or it may be not, but that fact will not be favourable to the recruitment of British officers, on whom, I think, the morale and integrity of the Force very largely depend.

Lord Rankeillour.

532. Sir Michael, I just want to ask one or two questions on your Part 2, "Transfer of the Courts." If you will look at page 116 of the White Paper, Head 28, it says there that among the Provincial subjects should be "Administration of justice including the constitution and organisation of all Courts within the Province." Would not that mean that the Provincial Government could set up its own standard for the judiciary?—Yes, I take it so.

533. And that standard might vary in different Provinces?—Undoubtedly, yes.

534. I am coming to the High Court in a moment, but in the other Courts you might have completely different standards and completely different organisations throughout the Provinces in India?—Yes.

535. This you may notice is a purely Provincial subject; it is not a concurrent subject, and it is conceivable that you might have a Province setting up judges by election, as is the case in America. It is conceivable under the words?—Yes, undoubtedly.

536. Now coming to the subjects that are concurrent, or to some extent concurrent, I would ask you first to look at No. 30, at the top of page 117. "Jurisdiction, powers and authority of all Courts within the Province, except the Federal Court and the Supreme Court," but including the High Court in this case?—Yes.

537. The result of that is, unless there were over-ruling Federal legislation, a transfer of powers might be made, say, from the High Court to the District Courts under that?—I think it follows.

Mr. Zafrulla Khan.] Lord Rankeillour has not read out "with respect to subjects in this list."

Lord Rankeillour.

538. Quite so, but with respect to the subjects in this list, it might be possible to transfer some of the powers of the High Court to the District Courts, might it not?—I think so.

539. And to abolish or limit rights of appeal?—Yes.

540. And perhaps to restrain the powers of the High Court with regard to mandamus?—I believe so.

541. That would, I think, be so. Now when you come to the Federal and the concurrent jurisdiction, in No. 63, on page 115, the Federal jurisdiction, that applies to the High Court too, does it not?—Yes.

542. And the result of that might be that the Federal legislature might be equally able to restrict and transfer powers of the High Court?—Yes.

Mr. Zafrulla Khan.] With respect to Lord Rankeillour, in that list, which is a very different list.

Lord Rankeillour.

543. Quite so; and the concurrent one on page 119?—Yes.

544. Therefore the Federal legislature might limit the powers of the High Court to the advantage of the District Courts?—Yes.

545. Now with regard to High Court appointments, they are at present made by the Secretary of State, are they not?—Yes.

546. Does he do it entirely on his own volition, or is there a communication from India as to whom would be likely

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to be candidates?—In my time the practice was, when there was a vacancy that the local Government made certain suggestions, and the Government of India passed them on to the Secretary of State. That was the position; I am speaking of 12 years ago.

547. It is made ultimately by the Secretary of State, but not without representations from the local Government?—That is so.

548. Now it has been often suggested, as an argument for Federation, that the union in the Federal system of a number of conservative States would make for greater stability and permanence in the Central Government. What would your view be about that?—It is very hard to forecast. It depends entirely upon what the line of party cleavage would be in the future of Federal Government. If it should continue to be, as unfortunately it has been largely in the past, a communal line of cleavage, then I think the Indian States being mainly Hindu, would naturally tend to the same side as their co-religionists in British India. To what extent other factors might disturb that balance or that leaning, it is very hard to forecast.

Major Cadogan.

549. My Lord Chairman, I would like to ask Sir Michael one question in relation to Part 3 of his Memorandum on the subject of the All-India Services. I would refer Sir Michael to page 84 of the White Paper, section 189, to which he made slight reference in his reply to Lord Zetland: "At the expiration of five years from the commencement of the Constitution Act, a statutory Inquiry will be held into the question of future recruitment for those Services." If such a provision were embodied in the Statute, I should like to ask Sir Michael his opinion as to what effect that would have upon the quality and the quantity of the recruitment of the All-India Services in this country?—If the provision was that after five years there should be a review of the Secretary of State's control?

550. Yes?—I think most people would be inclined to think that after five years this also would be given over and that would have a detrimental effect on recruitment.

551. You attach, of course, considerable importance, therefore, to the continued control of the Secretary of State over all the Services?—Yes.

Sir Joseph Nall.

552. Sir Michael, you said just now that your alternative to the Federal scheme would be to extend and develop provincial autonomy whilst retaining substantially the present Centre. Would you regard the present Centre as being strengthened or otherwise if the Governor-General had a greater latitude and a greater freedom from control by Whitehall whilst in fact being responsible to the Secretary of State? Would you regard the greater freedom to the Governor-General as strengthening the Centre in its relation to the Provinces?—It depends very largely upon the personality of the Governor-General. I should think in the past there has been a good deal of feeling that Whitehall interfered too much. If you have a Governor-General with a good strong representative Council, I think the more you leave to him the better, but I never have been in the Government of India. Having been simply a provincial Lieutenant-Governor, I have had little personal experience of the extent to which Whitehall in the past or in the present does control the Government of India.

553. Then in suggesting the maintenance of the present Centre as the alternative course to pursue, were you visualising the Centre being still controlled in matters of detail by the Secretary of State?—No, not in matters of detail. I think that control would be relaxed very much on the lines set forward in the Government of India's recommendations on the Simon Report. They showed that at present this control exercised by Whitehall was unnecessary or irksome, and they made rather definite proposals for its relaxation. I do not know if those recommendations have ever been considered, but undoubtedly there is great room for cutting down interference from Whitehall or, we will say, from Parliament, as long as the main principles are controlled by Parliament. On the general question I agree that the more interference from Whitehall or Parliament is cut down, except in matters of principle or of great concern, the better.

554. Do you substantially agree with that part of the Simon Report where it is suggested that the Centre should have a rather greater freedom from control from Whitehall?—Yes.

555. Do you think that such a change would strengthen the Centre in its dealings in the Provinces?—Yes, but you must have the authority, as long as you

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have a central Government, and control of the Imperial Parliament in the background.

556. In answer to an earlier question, you said that difference of opinion might arise as between Provinces in relation to fiscal matters?—Yes.

557. Has there been much evidence of that difference of opinion in the past?—A good deal. For instance, during the War I remember when all imports from this country were shut out, there were bitter complaints made by the consumers up country that the millowners of Bombay and Ahmedabad, being free from all competition, had raised their prices enormously, and the complaints were most widespread; the people were going about in rags, to such an extent that the Provincial Governments in order to bring down the price of cotton goods, had to interfere and take over the control of the mills so as to sell cotton goods at more reasonable prices, and thus bring down prices.

558. But where a Province has had a grievance of that kind in the past such as you indicate, what has been the procedure for bringing that grievance before the Financial Department?—At present it is done through the All-India Assembly. Another instance is this: When prices of wheat got high in India, an Act or an Order was passed to restrict exports. That Act, as far as I remember (I am open to correction), was strongly resisted by the producers. They said: "You are preventing us from taking advantage of the market. On the other hand, you are allowing, when there is danger of dearth or scarcity, foreign wheat to come into India without paying any duty." Now I think the position arrived at is this, that the export of wheat and cotton is quite free, but there is a duty put upon the import of foreign foodstuffs.

Sir Hari Singh Gour.

559. When was that Act passed, and by whom?—I cannot remember. I remember there was some legislation preventing the export of wheat.

560. On what ground?—On the ground that prices were high in India, preventing export.

561. When was it?—Some time after the War.

Sir Joseph Nall.

562. Might I just ask you one further question? Would you regard the Constitution of the new Central Assembly

as being such as would avoid acute feeling on fiscal matters in India? Is it such as would ensure a fair and equitable interpretation of the fiscal power proposed in the White Paper? Have you considered that?—Well, I think there would be a dog fight, if I may say so, over this question, for this reason, that an impartial consideration of these questions in which provincial feeling runs high, and the interests of the consumer and the manufacturer are at variance, would be more difficult owing to the fact that you are depriving the Provincial Councils and the All-India Assembly of the advantage and experience of the official members. They are being entirely excluded; they are very often able to mediate and give their advice in these matters. Now they are excluded absolutely.

563. Then would you suggest that these fiscal matters, whilst being in some cases primarily of importance to particular Provinces, ought to be retained under the control of the Central Government, whatever it be?—Yes, I think that would be more likely to ensure fair play as between the conflicting interests, and the interests are very conflicting.

Sir Reginald Craddock.

564. My Lord Chairman, I would like to ask Sir Michael upon one or two points only. In reply to Lord Reading, Sir Michael, I think you approved generally of the idea of Federation as the ultimate objective, if we were going to have a united self-governing India?—That is so.

565. In the Government of India Despatch upon the Simon Commission's Report to which you have just drawn attention, you will find paragraph 212 which dismisses at the present time all idea of Federation within a short time?—Yes.

566. It says—paragraph 212 indeed is headed: "Federation of all-India. A distant ideal," and they repeat it in the last part of paragraph 212. Does it strike you as rather surprising that the Government of India should on the 20th September have put aside the whole of the Federation question as a distant ideal and yet within about two months the proposal was put forward as a practical and immediate proposal?—But not by the Government of India.

567. No, but what I want to draw attention to is, does it strike you as surprising that the Princes came forward

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with this proposal within two months of a Despatch written by the Government of India saying that Federation was a distant ideal?—The short distance of time between the two has rather encouraged me to think there was a certain amount of unreflecting enthusiasm in the way in which that ideal is put forward. It was not deliberate and well considered at that stage.

568. If it was deliberate and well considered, apparently that deliberation had been kept secret and was not known to the Viceroy and his Council?—I said I did not think it was deliberate and well considered—not by the Government of India, anyhow, because it was contrary to their own view.

569. In answer to Lord Reading you said that you accepted the Simon Commission's Report as regards the Provinces with the exception of the proposal to transfer law and order?—And the maintenance of a British element in certain of the Services.

570. You would not thereby consider yourself bound to accept each and every proposal of the Simon Commission?—No; I was dealing with it on broad grounds.

571. The last question is, as regards those other All-India Services, or what remains of them, you have laid stress on the importance of having a British element in say, irrigation and forests. Would you add education to that?—I gather that the Report of the Education Commission shows that there has been considerable deterioration owing to the elimination of the British Education Officer which has taken place within the last eight or nine years. I do not think any new ones have been added.

572. Would you attach importance to the fact that everything in India really depends on the soundness of the education imparted, and as so much of the education imparted deals with the English language and English literature, whether it is not important that there should be some British element left of people to teach and expound important subjects of that kind in regard to English literature, history, political history and so forth, instead of having it all left in the hands of Indians, who, however proficient, could hardly be expected to impart all those in the same way as British lecturers, professors, and so on?—From the point of view of education I think undoubtedly it would be an advantage to retain a British element in the educational service. From the

point of view of politics, of course, it may be undesirable. It depends on what you attach more importance to, to meeting a political aspiration or to doing what you think is best in a particular branch of administration. You will often find those two in conflict.

573. As regards agriculture would you not recommend some British Officers trained in England to be recruited from time to time—a small number of them for the agricultural service?—Certainly, and I think that is the view taken by the Agricultural Commission over which the Lord Chairman presided. I think in the Simon Report you will find an extract from the Report of the Agricultural Commission in which they lay stress on the necessity of obtaining the best expert advice from outside India. I think they lay that down as a very desirable condition. That is the view expressed by the Agricultural Commission.

574. How would you secure recruitment of this small proportion, or a proportion of British Officers to these four important Departments, Irrigation, Forests, Education and Agriculture?—I think the only effective way of securing British recruitment for those services would be to keep them as All-India Services; a reasonable proportion to be retained as All-India Services. I do not think you will ever succeed in recruiting the right type of man for a provincial service except perhaps short-service men. I have had evidence of that, since the Public Works were transferred. I met the Chief Engineer of my old Province. I said, "What are you doing here?" He said: "I am trying to recruit a few Europeans for the Provincial Service." I said: "Have you had any success?" He said, "No, because owing to the changed conditions they are not willing to come." The first condition is that the Provincial Ministers naturally do not desire to go on recruiting British Officials and when they do it is very difficult to get them for the reasons I have given you. Therefore, if you are to maintain a British element in those Services, the Indian Civil Service, the Police, Forests, Irrigation and Education, I think the only effective way of retaining it is to keep them All-India Services. At present Education is not an All-India Service, but Forests and Irrigation are—Forests outside two provinces.

Begum Shah Nawaz.

575. Agriculture?—Agriculture, yes; agriculture has been transferred. For

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the reasons given by the Agricultural Commission I think it is desirable to facilitate the recruitment of agricultural experts for the benefit of agriculture in India, and the best way of doing so would be to restore a small All-India Service; it would not be very numerous.

Miss *Mary Pickford*.

576. Sir Michael has said that he is in favour of provincial autonomy with the exception of the transfer of the Courts and the Police. You are no doubt aware of the general argument of the Simon Commission for the transfer of law and order?—Yes.

577. But may I draw your attention to page 47 of the Second Volume Recommendations, about halfway down the page, where the following short passage occurs: "The transfer of other subjects without transferring the Police would make matters worse. It would concentrate on the administration of Law and Order the hostility of all parties in the provincial councils who are looking forward to more complete self-government, and who find this one matter kept in reserve as a target for irresponsible criticism"?—Yes.

578. Do you agree with the Statutory Commission that the position of the Police would be made extremely difficult for this reason, that all criticism would be concentrated upon them?—No, I do not agree with the Commission in that argument. In the first place, I do not accept the view that in future, with the wide extension of self-government that is being given, there will be this hostile irresponsible criticism. I think that in many provinces, at all events, the new Governments will settle down to their work and administer the wide Departments transferred to them, and if it is made clear that the reservation of the Police and of the Courts is simply to give them an opportunity of showing their capacity to administer them, then I do not think that there should be irresponsible criticism. They would naturally say: "Let us show how well we can administer all Departments of which we are in control, and then we will get control of all of them." Surely, that is a view reasonable people would take, and the number of reasonable people, to my mind, in India is very great.

579. Do you agree with the Statutory Commission that there has been irresponsible criticism of the Police at present?—Yes; not only of the Police, but of

many other Departments there is a great deal of irresponsible criticism going on. Perhaps, as the Police have to do unpopular work in repressing seditious agitation, the torrent of criticism against them is more strong than against other Departments.

580. You think the transfer of two or three other Departments would make that criticism less?—Yes, because those two or three other Departments deal with the whole field of administration, lands, revenue, irrigation and finance; you are only withholding the control of the force which is responsible for law and order and security.

Mr. J. C. C. Davidson.

581. In the first paragraph of Part I of your Memorandum you set out four difficulties with regard to the setting up of a Federal Government in India. Those difficulties, may I presume, are permanent difficulties, because, whether you set up a Federation late or early, No. 1 and No. 2 certainly, and No. 3 and No. 4, certainly, too, I think, will have to be faced whether now or at some future time?—Yes.

582. If those difficulties are serious now, how do you propose to get over the difficulties if you subscribe to the ultimate ideal of Federation?—While subscribing to the ultimate ideal I realise the practical difficulties, and it is only when you get down to tin-tacks, and begin to negotiate with the States as to the conditions on which they will come in, that you will realise whether the proposition is a feasible one, or whether a sufficient number of the States would be willing to forego a sufficient amount of their independence to make the Federal Government a reality for Federal subjects.

583. When you prophesy the possibility that in a Federal Government the communal question might be one of great importance, do you think also that fiscal matters might not lead to a cleavage between certain provinces and certain States having community of interest; because you have mentioned the difficulties that had arisen and the criticism from the consumers and the producers in India of certain fiscal measures, and with the adhesion of the States do not you think that those matters might form a cleavage rather than communal questions upon which the States would not be interested?—I think that is possible and it is certainly very desirable.

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[Continued.]

Sir John Wardlaw-Milne.

584. Sir Michael, you have put forward quite clearly this morning that what you would favour would be the transfer to the provincial governments of practically the control of all parts of the Government with the exception of law and order?—Yes.

585. And retain the Central Government very much in its present form?—Yes, its responsibility to Parliament.

586. I want to ask you whether you do not think or whether you do think that if your proposal were followed and you had then strong provincial governments, and what I will call a British or European Government at the centre, there would not very likely be increased friction between the now much stronger provincial governments and the Central Government over matters in which both were interested. Have I made my question clear to you?—Yes. I do not see why the friction should be increased. I think the All-India Legislature, if it is representative of the provincial councils, would be a more responsible Body than the present All-India legislature and the spheres of jurisdiction between the All-India Government and the provincial governments will have been very clearly defined, and therefore I do not see why there should be a great increase of friction. Of course, in defining the spheres it is necessary to remember that at present the All-India Assembly has two enormous powers, legislation and the voting of the Budget, and as long as the further spheres of its influence are defined I do not anticipate (I may be wrong; it is a forecast) greater friction than at present. Also half the members of the Central Government are Indians.

Mr. Zafrulla Khan.

587. I was not able to follow the reference to the second power of the Indian Legislature?—The All-India Legislature at present has two enormous powers, All-India Legislation and the voting of the Budget, subject to the Viceroy's reserve powers.

588. How much of the Budget?—The voteable. There are certain voteable and certain non-voted.

589. It is very small?—Yes.

Sir John Wardlaw-Milne.] May I put the question in a different form to see if it has occurred to you in that way. I want for the moment to assume your scheme that you have in view?—Yes.

590. Under your scheme that you have in view would not there be a very considerable danger, especially if, as might happen, provinces at first were not financially too strong, for them to throw the whole onus of their inability to carry out any popular measures upon the Central Government. Do you think that would be likely or not?—Yes; that would be likely, but the same thing would happen even with the Federal Government.

591. I agree possibly that is so, but in the latter case, there would be at any rate the one advantage I put it to you, you may not consider it an important one, that to a very large extent the Federal Government would be comprised of the same people, and therefore the fight would be between two sets of people and not again as between the provincial government transferred and the Central Government remaining British?—There is that difference.

592. The only other question I want to ask is with regard to the reference in the first paragraph of Part 3 of your Memorandum to the Simon Report remarks on the question of the recruitment of Europeans; whether under your proposals, or under the proposals adumbrated in the White Paper, is it your view that there should be laid down a definite limit below which the proportion of Europeans in the All-India Services should not fall?—I had not formed a strong view about it, but I think it would be very desirable to clarify the matter in that way.

593. Does not practically the whole of this argument lead to that suggestion?—You want a substantial element; a varying element according to the importance of the Services.

594. I am not wrong in taking this argument to be in favour of laying down a minimum?—No.

595. Below which, for a period at any rate, the European element in these Services should not fall?—Yes; that would be very desirable, I consider.

596. In answer to Sir Reginald Craddock you referred to the possible danger of this reconsideration of the recruitment for the Services after five years. Is it your view that the disadvantage that any Clause of that kind in the Act might have upon recruitment is due to the short period, or merely to the fact that there is to be reconsideration at all. Do you think it would be mitigated if the period were 10 years or 20 years, or is it against the principle?—I think

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[Continued.]

it is against the principle. Looking at the thing entirely from the practical point of view, I think that few people care to join a service which may be considered to be gradually dying and to be gradually extinguishing itself. If the thing were left in the discretion of Parliament of course that objection would not arise.

597. You would be quite satisfied if it were a question for Parliament?—Until Parliament sees fit to alter it, Parliament can always see fit to alter anything.

Lord Eustace Percy.

598. I would like to get a little clearer the sort of picture of the provincial Government under your scheme. You would transfer to Ministers chosen from the legislature all Department of the Government except law and order?—Yes; Departments relating to administration.

599. Those Departments would include all Departments responsible for public policy at all?—Yes.

600. All that would be reserved would be the Departments responsible for enforcing the policy?—Yes.

601. For law enforcement?—Yes, and for public security.

602. So that when you speak of the British responsibility for the masses of the Indian people, you would transfer all control of all legislation and administration affecting the masses of the people and their material interests to Indian Ministers, and you would retain under the Governor solely the Departments responsible for carrying out the orders given by those Departments?—Yes, subject to the maintenance of a British element in all the important Services.

603. Do you think that that is a very dignified or possible position in which to place the Governor and the Governor's non-transferred Department?—No; I looked upon it that a considerable advance in provincial autonomy was desirable, but that it was still more essential in the interests of the masses of India to maintain public security, and that the only way of maintaining public security while you are making these great changes and taking these risks was to preserve at least the machinery for security, the Law Courts and Police, under the control of the Governor.

604. When you say, "Preserve them under the control of the Governor," you mean that the Governor should have control over the recruitment and promotion in those Services?—Yes.

605. But when it comes to giving orders to those Services, what will be the position of the district magistrate. Will he be under the Governor?—Yes, under the Governor. I contemplate all along that the district magistrate as a Court is a District Court.

606. As District Court he is under the Governor?—Yes.

607. As Revenue Officer, he will be under an Indian Minister?—Yes.

608. Therefore, on the orders of the Indian Minister he will administer the land Revenue system?—Yes.

609. And if trouble arose and he had to call on the police, or was wondering whether he should call on the police for any action, he would then have to report to the Governor?—Yes.

610. He would have two superior officers?—Yes; that happens every day at present.

611. Does it? In what way?—As regards transferred subjects. There are a certain number of subjects at present transferred in which the district officer is working under a Minister.

612. Such as?—Public Works, Agriculture, Excise, Public Health and Education.

Sir Tej Bahadur Sapru.

613. No?—Agriculture and Excise Public works.

Lord Eustace Percy.

614. Without going further into the present position (I recognise that confusion does exist to some extent) under your scheme the district officer would be under Ministers exclusively in all his relationships with the people he governed except when it was a question of enforcing the policy of the Government or interpreting the law in the Courts?—Yes; or maintaining public security. It need not necessarily be enforcing, but seeing that the public peace was not disturbed.

615. I call that the enforcement of the law. Public peace is generally disturbed because people do not like the law?—I call it prevention.

616. Who would be in charge of these non-transferred Departments? How many non-transferred Departments would there be under your scheme?—The Courts and the Police are the only Departments that would not be transferred, but the other Departments in which I consider the retention of a British element is essential are the forests, land revenue

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including irrigation, education and agriculture.

617. At the moment I am not speaking of the personnel of the services. I am talking of the method of administration?—Yes.

618. At the centre of Government would there be one Department of Police and Justice which would be under the control of an official minister?—That is a suggestion put forward in the Simon Report and is, I consider, very desirable.

619. Only one Department would be necessary under your scheme?—Yes.

620. Is that official minister to be a member of the Governor's Cabinet or is he to remain outside the Cabinet?—I do not know; I have not considered that question. I do not know what solution the Simon Report who put it forward have offered. I should think it is very desirable that he should be a member of the Cabinet and not a member of the provincial legislature.

Viscount Burnham.] That was our suggestion.

Lord Eustace Percy.

621. He is to be a member of the Cabinet?—Yes, he is to be a member of the Cabinet but not responsible to the provincial legislature.

Chairman.] Was there any connection between the non-elected official member of the Cabinet and the Department of Law and Order in the Report?

Viscount Burnham.] They kept the unitary nature of the Cabinet, but he was a member of the Cabinet.

Lord Eustace Percy.] Am I not right in saying that the proposal for a Minister in the Simon Report was not particularly connected with the Department of law and order.

Dr. Shafa' at Ahmad Khan.] That is so.

Lord Eustace Percy.

622. If the Governor were to be left free to choose his Ministers where he pleased, from the legislature or elsewhere, that would practically meet the point of your scheme, would it not?—No; I think for the control of law and order it is necessary for a man to have wide experience of administration, and therefore to be an official.

623. When you say "an official" he must be a Civil Servant?—Not necessarily a Civil Servant. He might be from the Police or any other Service, but with experience of administration.

624. But he must be a Government Servant?—Yes.

Viscount Burnham.] For the information you desire, in paragraph 64 of the Second Volume of the Simon Report it is laid down that it should be possible for a Governor to appoint a member and the Government to include an element drawn from official or other non-elected sources, not necessarily official.

Lord Eustace Percy.

625. I understand that proposal does not meet Sir Michael O'Dwyer's point. He wants to insist on a Minister for law and order who shall always have been a Government servant?—I think you are more likely to get administrative experience if he is a man who has been in the Government service.

626. You are not disposed to trust the Governor's discretion?—I would not insist on it. If he can find a non-official non-elected man whom he thinks could be entrusted with the portfolio of law and order I would not prevent him from appointing him, but my view is that such persons will be extremely rare, because they will not have the necessary administrative experience. I put it that way.

627. I want to get it clear whether at the centre you propose a legislature of the kind recommended by the Statutory Commission or the existing legislature?—I have not gone into that question very deeply, but I think the method of secondary election is more likely to secure the right kind of man in the centre in the All-India Assembly than the method of direct election which is proposed in the White Paper; but I have not given the question deep thought.

Sir Akbar Hydari.

628. I want to ask a question which is purely directed to the point about this short interval of time between the Report of the Simon Commission and the Declaration of the Princes at the Round Table Conference for their favouring a scheme of Federation into which they will come. Is it not the fact that the Simon Commission was definitely concerned to report about the Constitution of British India?—That is so.

629. Is it not that a further study of Indian political problems led them to realise the great necessity of finding some way whereby British India could be brought into relation with the Indian States?—Yes.

630. Is it not the fact that then a letter was written by Sir John Simon in

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[Continued.]

the first place to ask the Prime Minister that the consideration of their Report should later on be followed by a Conference in which the Indian States were brought into consultation with representatives in British India and His Majesty's Government?—Certainly.

631. And even the Simon Commission itself felt it necessary immediately to recommend the constitution of a Council of Greater India for the consideration of matters of common concern?—Yes, I think that is so.

632. Was it not the fact that this letter of the Prime Minister leading to a Conference was the first and only opportunity which the Indian States got of formulating their view or declaring their view as to what position they desired to have in Indian polity?—I gather that is so; the first official occasion on which they were approached.

633. Before that also, I believe in 1918, the Maharajah of Bikaner and several other Princes had a conference at which there were Ministers of States who gathered together merely more or less as the outcome of the Montagu Inquiry?—That I do not know.

634. Then they had come to the conclusion that they must work more or less on Federal ideal?—I do not know that. I do not deny it, but I do not know anything about it.

635. Also, is it not the fact that the Council for Greater India, which the Simon Commission desired to be immediately created as part of their immediate proposals, deals mainly and practically, I think completely, with all those heads and only those heads with which the All-India Federal Legislature will deal in future?—That I cannot say. I have not studied that part of the Simon Report.

636. I think you will find that practically that is so. Does it not, therefore, make you alter, to a certain extent, the idea that really the Princes' declaration at the first Round Table Conference, which was repeated with greater and greater emphasis as time went on in successive conferences, was not a sudden outburst of enthusiasm but a realisation of the conditions that were obtaining in India at the time, and the necessity that there was, in their own self-interest, to try to get a Constitution on the lines of the White Paper?—My view is that the matter was rushed forward owing to the fact that the Government of India Despatch of the 20th September, 1930,

still regards—and presumably the Government of India were in communication with the Princes—Federation as a distant ideal? In a few months, at the first Round Table Conference, the thing is put forward as being something almost immediately feasible. That leads me to think that, although individual Princes and men of great authority and position had given some consideration to it, the great body of Princes had neither the time nor the opportunity to consider it at all, and I am influenced in that view by what was said to me at the very first Round Table Conference by some of the Princes individually.

637. They had neither had the time nor the opportunity. That is quite right, but as soon as the time and the opportunity came and they were face to face with this problem, then they thought over it, and they made a declaration. Is that not possible?—No. I think a great many of them who thought over it had more and more misgivings about it.

Sir Mirza M. Ismail.

638. May I refer you to paragraph 32 of the Davidson Committee's Report? As a friend of the States, would you advise them to remain as at present (I am quoting the words of the Report) "without the means of guiding or of effectively influencing policy at the Headquarters of Government in regard to any matters in which they have a direct and material interest"?—No. I think it is very desirable that the States should have an opportunity of making their views and their influence felt in matters of common concern, like matters of tariff and railways.

639. What machinery then would you suggest towards giving the States an effective voice in such matters?—I think the Federal idea is the best solution, but I do not think it is realisable for a long time to come.

640. Why should it not be realisable?—Because the prerequisites will take a long time to be fulfilled. The accession of the States or even of a majority of them is an unknown quantity, the conditions under which they will enter are an unknown quantity, the powers which they will be willing to make over to the Federal Government are an unknown quantity; they will vary from State to State. All those matters have to be thrashed out most thoroughly between the States, and with the Governor-General and the Viceroy, before the

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[Continued.]

States are in a position to give a deliberate and willing consent to enter the Federation.

641. Why do you think it should necessarily take a long time to settle these points?—There are over 100 Salute States, and there are several hundred smaller States. All these States have their own ideals and traditions, their separate treaties and engagements with the British Government, and my experience extending over many years is that the negotiations with the States and the Durbars take a very long time; you cannot hurry them. They very rightly do not desire to be hurried in matters in which their future is so intimately concerned.

642. Would you refer to paragraph 233 of the Simon Commission Report, Volume II, in which they advocate the inclusion in the Constitution Act of an enabling provision by which a State might enter the Indian Federation "by mutual agreement between a given State and British India" as most likely to produce practical results. Can you see, except in the case of advance that is postulated, any great difference between the proposals of the Simon Commission and those of the White Paper, in this respect?—What was the particular sentence you are referring to?

643. "As one most likely to produce practical results"?—But, of course, that has got to be read, subject to the following sentence: "The matters to be considered and adjusted by agreement before a particular State could adhere to such a plan are not identical in every case, but differ widely between State and State. Questions of tribute, State military forces, and other items," etc. I quite agree that the sooner the adjustment can be made between the British Government and the State, the better.

644. Are these negotiations for securing these adjustments referred to by the Simon Commission Report, and which you describe as the haggling, those which must precede the agreement of the States to come in?—Yes. "Haggling" is, perhaps, an extreme word, but it comes to that, of course. There has to be bargaining between both sides.

645. With regard to the Report of the Davidson Committee, have you any reason for dissenting from the view expressed in the following passage: "In recent years it has become less easy for the Crown to discharge its responsibilities as Trustee for all the conflicting interests

under its suzerainty or rule, and it would be rash to affirm that the point of view of the States equally with that of British India has always been in the minds of those who have shaped India's economic policy"?—I entirely agree with that statement. I think the interests of the States vis-a-vis British India very often in the past have been overlooked.

646. Are you aware that there are many questions of a financial character outstanding for years between the States and the Government of India—questions arising from the Treaties and Interpretations thereof? Do you agree that a speedy and equitable settlement of these questions is necessary, quite apart from any scheme of an All-India Federation?—I entirely agree, particularly in view of the fact that the Indian States have always given the most loyal support to the British Government in all its difficulties. I think they have a prior claim to the settlement of any questions pending between them and the British Government.

Rao Bahadur Sir Krishnama Chari.

647. Have you followed the discussions in the Princes' Chamber in the last three years on the general idea of Federation?—I have tried to, but I have found it rather difficult, because they vary a great deal from time to time.

648. Have you read the resolutions that have been passed in the Princes' Chamber?—I read out one of them at an earlier stage; that was in 1932 that they would join the All-India Federation if the Crown would guarantee that their rights of internal sovereignty are untouched and the obligations of the Crown to the States remain unaltered. That I understand is still their policy.

649. The list of subjects which are going to be Federal are almost entirely economic subjects?—Yes.

650. You think that in the future in the Federal Government the cleavage will be economic?—I hope so; I would not say so because you cannot predict. India is like Ireland, the expected never happens and the unexpected generally occurs, but I hope it may be so.

Sir Manubhai N. Mehta.

651. In the second paragraph of Part I of his Memorandum Sir Michael writes: "The Federal idea was, in 1930, welcomed by certain Indian Princes

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[Continued.]

anxious to safeguard their future, which they thought threatened by the 1929 Declaration about Dominion Status"?—Yes.

652. As regards this remark, may I ask Sir Michael if he had the advantage of a talk with His Highness the Maharajah of Bikaner or His Highness the Nawab of Bhopal, who were exponents of the idea of All-India Federation at the first Round Table Conference, he said. Had he any talk with them?—Not with His Highness the Nawab of Bhopal. I think I had a talk with His Highness the Maharajah of Bikaner.

653. Did he say he was influenced by the idea of Dominion Status?—No; other princes said so to me.

654. His Highness the Maharajah Gaekwar of Baroda. His Highness the Maharajah of Patiala, His Highness the Maharajah of Kashmir and His Highness the Maharajah of Alwar. Had Sir Michael any talk at any time with those princes?—I had talks with all of them except the Nawab of Bhopal, but I am not going to give away the names of my informants.

655. Did they say they were in favour of this idea of Federation because they were afraid of Dominion Status?—Some of them said when the Declaration was made about Dominion Status they did not realise what their position would be vis-a-vis a future British India.

656. The Declaration about Dominion Status was made in 1929?—Yes.

657. This Declaration about Federation was made in 1930?—Yes.

658. During that period had Sir Michael any occasion to talk with any of these princes?—Yes.

659. Before the Declaration was made?—No; after the Declaration was made. The only opportunity I had to talk with them was when they came here to the first Round Table Conference.

660. After the Declaration was made Sir Michael had talks with them?—Yes.

661. But not before?—I thought you meant the Declaration about Dominion Status.

662. That was made in 1929. After the opening of the Round Table Conference the Princes declared on the very first day that they were in favour of Federation?—Yes.

663. What was the ground for Sir Michael's belief that they were influenced by the idea of Dominion Status?—Some of them told me so.

664. After they had declared for Federation?—I do not think all the Princes individually declared for Federation, and, as I say, some who did declare for Federation changed their opinion afterwards and made no secret of the fact that they did so.

Lord Winterton.

665. Was your answer that those who had declared for independence said so in private conversations?—No; I am not prepared to specify who they were. I had conversations with most of the Princes when they were here for the First Round Table Conference. Some of them told me that the Declaration in favour of Federation was brought about largely by the Viceroy's Declaration about Dominion Status. I am not prepared to give the names of those who stated that to me.

Sir Manubhai N. Mehta.

666. How does Sir Michael reconcile that belief with the Declaration of the Princes that they were prepared to come into the Federation only if there was central responsibility and self-government. How are the two ideas reconcilable?—I am not arguing with the rights and wrongs of the case. I am only stating the reasons which some of the Princes gave me for this Declaration that some of the Princes were willing to come into the Federation.

667. Were the Princes responsible for this Declaration?—I am not prepared to be pressed for information as to the particular Princes who gave me their view. I do not think it is fair to bring forward their names, but I know certain of the Princes who declared for Federation have altered their view when they went back to India. They publicly stated so.

Archbishop of Canterbury.

668. If Sir Michael is not prepared to say what Princes gave him the information is it quite fair for him to put in evidence now the statements that they made?—Some of the Princes on their return to India who had declared for Federation here made no secret of the fact and stated publicly that they did not approve of Federation. On maturer consideration they changed their opinion.

669. You are not dealing with those who made public declarations, but you are alleging that certain Princes after

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[Continued.]

their own declaration made statements to you, and you give that in evidence, but then you say you are not prepared to say who they are?—I had not said that after they had declared that they were in favour of Federation they had gone back. At what particular stage it was I am not able to indicate. What are the actual words I have used?

670. I think it was on the first day of the Round Table Conference?—But the Princes were here for a considerable time before the Conference opened.

Mr. Zafrulla Khan.

671. Is it Sir Michael's evidence that before the first day of the Round Table Conference they had made that statement to him? Is it possible that before making the Declaration they gave you the reasons for making the Declaration?—I cannot, after two years, pin myself down to the particular dates. I spoke to different Princes on different dates.

Sir Manubhai N. Mehta.

672. I presume that Sir Michael knows that from 1930 after the Declaration there have been three or four occasions for the Princes' Chamber to make a public declaration, and even though they have suggested that their State rights and privileges should be safeguarded, they have consistently voted in favour of Federation?—Yes, I will accept that, but has not there been a breaking away from that voting of Federation by a section of the Princes?

673. Even that section of the Princes which seemed to differ from the Federal idea in the Princes' Chamber have all agreed. They have not noted any dissent, but with one common voice they have all supported the idea of Federation?—I was influenced by the statement condemning Federation as dangerous to the Princes' interests and the British connection made by the late Chancellor, whose death we all regret, at the public meeting in Delhi a few months ago.

674. Notwithstanding the presence of His Highness the late Chancellor, did the Chamber swerve one inch from their previous resolution about the Federation? I do not know, but I was influenced by the view of the Chancellor, who was speaking with all his authority.

675. Sir Michael said that it was strange that after the Government of India Despatch, in three months they

came to the conclusion that Federation should be accepted. Had the Government of India any consultation with the Princes before they said that the Federation was a distant ideal?—I do not know.

676. You know that the Simon Commission had no opportunity to discuss this question with the Princes?—That is so.

677. In that case one can understand why the Simon Commission regarded it as a future ideal?—They did not make any definite proposals. Of course, the Princes were not consulted by the Commission, but I think you can realise that anyone with a knowledge of the conditions of India, knowing what it was proposed to federate in the proposals of the Simon Commission, could not regard it as anything more than a distant ideal. Even if the Princes had come to the Simon Commission and said that they thought conditions were tending towards Federation, I still think the Simon Commission would, as reasonable men, have said: "There are a lot of difficulties to be overcome; we hope they will be overcome; but this ideal still remains a distant one."

678. You have said that Federation is a good ideal?—I quite agree if Parliament is adequately represented.

679. Has not it to commence at some date in spite of all its difficulties?—Yes, certainly.

680. You know, even though it was not publicly put forward that the idea of Federation has been influencing the minds of the Princes for the last 15 years since the Montagu-Chelmsford Report was published?—I believe so in the minds of some.

681. The idea of Federation was started by the Maharajah Gaekwar of Baroda in 1917?—I will take it from you.

682. And was discussed by the Government of India in 1918?—I take it from you.

683. That was the reason it was discussed by Mr. Montagu in his Report?—I will take it from you.

684. Would you in those circumstances like to suggest that it was a hasty action of the Princes which brought them into Federation?—On the part of those who had not given their minds to it till the first Round Table Conference met. A few of the leading Princes had apparently been studying this thing and realising

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its advantages and difficulties, but the great mass of the Princes had never heard of the idea.

685. The great mass of the Princes had to be led by a few intelligent Princes?—Yes; but also they have to study the implications.

686. Do you suggest the Princes are not studying their own interests?—Undoubtedly now.

687. There is an assertion: "None of the three parties at the time appears to have realised the implications of the Federal Scheme," that is to say, neither the Government, nor the Liberal Party nor the Princes?—Yes.

688. Is it not too much to assume this on the part of the Liberal Statesmen here and on the part of the Government that they rushed into the idea without proper realisation of its responsibility?—The implications of the scheme? I think they took the difficulties too lightly. That is an opinion.

689. A question about recruitment difficulties. Are you aware that in Indian States whenever there is any occasion for asking for the services of an Englishman, either in the Education Department, or the public Works Department, or the Medical Department, we get numbers of applications from Englishmen in England, and we have to entrust that work of selection to some friends in England, but there is no difficulty about recruitment?—No; I think the names

of the Indian States stand very high not only in India but in England, but the only cases I know of are those of officers borrowed from the Government of India.

690. You will admit that in Indian States there is the government by Indians?—Yes.

691. I believe Sir Michael will also admit that in Indian States there is very little, at least before the last two years, of communal feeling?—Less than in British India.

692. In that case where was the occasion to suggest that after the Federation and the Princes coming in, even in the legislature there might be more of communal feeling?—Because at present, in the legislature that is the only line of cleavage. It is the only general line of cleavage, the Hindu and Muslim question. One cannot forecast the future, but when it is put forward that the Princes' coming in will stabilise things, I say I hope so, but if the line of cleavage remains a communal one, it will be very difficult for the Princes who are chiefly Hindu not to throw in their lot with their Hindu brethren of British India.

693. May I tell Sir Michael that on one or two occasions in the Consultative Committee at Delhi before the Viceroy the Indian States' Members came to one conclusion, that they will not be influenced by any communal feeling?—I am very glad to hear it.

(The Witness is directed to withdraw.)

Ordered, That this Committee be adjourned to to-morrow at half-past Ten o'clock.

DIE VENERIS, 16° JUNII, 1933

Present:

Lord Archbishop of Canterbury.
 Lord Chancellor.
 Marquess of Salisbury.
 Marquess of Zetland.
 Marquess of Linlithgow.
 Marquess of Reading.
 Earl of Derby.
 Viscount Burnham.
 Lord Ker (Marquess of Lothian).
 Lord Hardinge of Penshurst.
 Lord Irwin.
 Lord Snell.
 Lord Rankeillour.
 Major Attlee.

Mr. Butler.
 Major Cadogan.
 Sir Austen Chamberlain.
 Mr. Cocks.
 Sir Reginald Craddock.
 Mr. Davidson.
 Mr. Isaac Foot.
 Sir Samuel Hoare.
 Mr. Morgan Jones.
 Lord Eustace Percy.
 Miss Pickford.
 Sir John Wardlaw-Milne.
 Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Dahadur Sir Krishnama Chari.	Sir Manubhai N. Mehta.
Nawab Sir Liaquat Hayat-Khan.	Sir P. Pattani.
Sir Akbar Hydari.	Mr. Y. Thombare.
Sir Mirza M. Ismail.	

BRITISH INDIAN REPRESENTATIVES.

His Highness The Aga Khan.	Begum Shah Nawaz.
Sir C. P. Ramaswami Aiyar.	Sir A. P. Patro.
Dr. B. R. Ambedkar.	Sir Abdur Rahim.
Sir Hubert Carr.	Sir Tej Bahadur Sapru.
Mr. A. H. Ghuznavi.	Sir Phiroze Sethna.
Lieut.-Colonel Sir H. Gidney.	Dr. Shafa' at Ahmad Khan.
Sir Hari Singh Gour.	Sardar Buta Singh.
Mr. Rangaswami Iyenger.	Sir N. N. Sircar.
Mr. M. R. Jayaker.	Sir Purshotamdas Thakurdas.
Mr. N. M. Joshi.	Mr. Zafrrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Sir MICHAEL O'DWYER, G.C.I.E., K.C.S.I., is again called in and further examined as follows:—

Nawab Sir *Liaquat-Khan*.

694. I have a question in regard to a particular portion of your Memorandum, and that is in regard to the Police service. Would you agree with me that the success of the Indian Police depends very largely upon the co-operation of the people of India?—Yes.

695. Do you also agree with me that there is a certain amount of hostility against the Indian Police amongst the Indian people of a certain class?—Only the law-breaking class, I think.

696. Assuming that a Province becomes completely autonomous and the Legislative Council there controls almost all the Departments of the Province, with the exception of Law and Order, do you think that will be conducive to the

popularity of the Police Department?—It depends on how the Police Department works. If the Police maintain law and order for the benefit and security of the people, I think it will have popular opinion on its side. I may say that that is the case in other countries. Catalonia in Spain is a notable example; that has full provincial or local autonomy, but it has the Spanish Police, and it apparently works all right in Catalonia. I do not see why it should not work all right in India.

697. Would you believe that any general hostility against the police in a Legislative Council, which is manned very largely by the rural representatives, is likely to react on the masses, the electorates?—No, I think not, because I do

16^o Junii, 1933.] Sir MICHAEL O'DWYER, G.C.I.E., K.C.S.I.

[Continued.]

not anticipate, in the Provinces that I know (I can only speak with reference to the Punjab) any general hostility to the police from the representatives of the rural masses. As Governor of the Punjab in difficult times I found ready co-operation from the rural masses and their representatives.

698. In the Legislative Councils at present perhaps you are aware that considerable criticism is levelled against the Police Department?—It is not confined to the Police Department. Of course, they are a target for more hostility in so far as they have to take a prominent part in checking and repressing disorder.

699. Exactly. Do you think they will be in a happier position when they find that in a much more powerful Legislative Council, which is completely autonomous, there is greater hostility against them both from the rural and urban members?—I do not expect greater hostility towards them, because I think a sense of responsibility will show that the police are essential for the maintenance of public security, and, in so far as they discharge that duty, they will have popular opinion, in the Council and outside it, on their side. That was my experience in the Punjab.

700. I do not say for a moment that the hostility will be due to any personal grudge against any individual police officer, or even against the Force as a whole, but because of the system under which they are forced to work. Would not there be a prejudice against that Department which has been taken away from popular control?—I do not think any greater prejudice than exists at present. Prejudice must be based on some reason, and, in so far as the Police do not give reason for the creation of such prejudice, I do not see why the prejudice should come into existence.

701. May I put a hypothetical case to you? Supposing the Governor of a Province finds in the Legislative Council, a retired very distinguished Member of the Indian Police, or of the Indian Civil Service, and he picks him out as his Minister responsible to the Council, and places him in charge of the Department of Law and Order, will that be suitable; or if a Governor selects from outside the Council a non-official Indian and places him in charge of Law and Order, and he has to work with this Member against the Legislative Council? I am putting the two alternative points of view. A Governor has a chance of selecting from

the Legislative Council a Member who happens to have extraordinarily great administrative experience in the line of Law and Order?—I think it is very undesirable that at present (I am only speaking of present conditions) the Member in charge of Law and Order should be in the Council, because, if so, he will be influenced by the Council, and many of the Councils for many years to come will be dominated by communal majorities, and it is essential that the Police and the Officer in control of the Police Department, should not be subject to political or communal influence.

702. Would that mean, shall I take it, that, even if the Police Department is kept reserved, you would insist that the member in charge selected by the Governor should not be an Indian?—No, I would not insist that he should not be an Indian. I would insist that he should be an official and not responsible to the Council.

703. Irrespective of whether he is an Indian or not?—Entirely.

Sir P. Pattani.

704. I have only one or two questions to ask. You have said that Parliament is the final authority in the matter of granting reform. You will, I hope, agree with me that in regard to such matters, Parliament has always allowed itself to be influenced by the opinion of the people for whom they legislate?—Undoubtedly.

705. I am very glad. The announcement of 1919 has promised progressive self-government to India. There was to be an inquiry, after 10 years, for further advance, and it has culminated to-day in the system of appointing a Round Table Conference so that there may be further consideration?—Yes.

706. As a result of that Conference, the present Government has come upon a scheme of Federal legislation, a Federal system of Government in India. You say that that Federal system anticipates the possibility of the States coming in, but you depend on your personal information for the statement that several States and Rulers have expressed the view that they would hesitate, or are reluctant to come into the scheme. In those circumstances Federation would become impossible?—Yes, unless their objections can be overcome.

707. That is exactly what I am coming to?—Yes.

708. But supposing to-day a proportion of the States is coming in, you

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[Continued.]

would have no objection to the Federal system being established in India?—No; if all the pre-requisites laid down in the White Paper are fulfilled, including the accession of a majority of the States and the various financial safeguards, I see no objection to Federation, but on this condition, that in the future Federal Constitution the British element should be adequately represented. At present it is practically eliminated, and if the Federal Constitution is to work, the British Crown and Parliament must be adequately represented both in the Federal Government and also in the Provincial Governments.

709. Your second condition is that, provided the States come in, there should be Federation established, but that there should be adequate representation of the British services?—Not only of the services, but of the British Crown and Parliament. This is a scheme for partnership. Under the scheme involved in the White Paper, the British element disappears. I say if it is partnership the British element must remain adequately represented. It is represented at present in the Provincial and in the All-India Legislatures. Under these proposals that representation almost disappears. For instance, at present in the Council of State there are 16 British representatives out of 60. In future there will be nine out of 250. At present in the All-India Legislature there are 26 official representatives out of 140. In future there will be 14 out of 375. In future the British element in the All-India Legislature would be less than that of the depressed classes, who will have 19. I do not think that is a position adequately representing British ideals and British principles in the Federation; if the Federation is to be a feasible and a workable one, adequate representation must be given to the British Crown and Parliament by means of officials or otherwise, and the scheme outlined here does not give that representation.

710. That means that, in spite of the further advance towards a greater reform, Sir Michael would perpetuate the percentage of British element in India in the Services?—I do not tie myself to any percentage, but I say the principle is one of partnership between the British Government and the Princes and British India. The proportion laid down for British India and for the Princes is probably right, but the British element has disappeared from this Federation.

It is intended to be a partnership between the three, and one partner has no representation or practically none.

711. Would you agree that the progressive advance of a country towards responsible Government necessarily prognosticates that gradually the alien element will have, by a compromise between the two countries, gradually to diminish?—I do not accept the statement that the British element in India is an alien element. Every nationality in India, except the aborigines, is alien. The British happened to come in last, and they did what no other people had done; they not only protected the country from invasion and gave it internal security, but they developed the country, and that gives the British Government a right to have an adequate voice in the future government of the country.

712. I think I am getting it quite clear that gradually, as we advance, there will be a change in the personnel of the administration?—Undoubtedly.

713. As it goes forward?—Yes.

714. You would advocate, in the first instance, the establishment of autonomous Provinces?—Yes.

715. Yet, at the same time, you said that you would reserve the Law and Order into the hands of the Governor and the British element in the Service. It was suggested, as feared by the Simon Commission, that that would result in the centralisation of agitation or criticism against the Police Department in the Provinces, and your reply yesterday, as I gathered it, was that the transfer of all other branches to the responsible Ministers would create such a satisfaction that the agitation is not likely to arise. May I add that, if that is your opinion, do not you think that the entire transfer, including the Police, will give a greater satisfaction to the masses?—No, I do not. I oppose the entire transfer, not from the point of view of Great Britain, but from the point of view of the interests of the Indian people, because, in the Province with which I am most conversant, the Mohammedans are in a majority, and, rightly, they must have a majority in the new Constitution, but the Sikhs and the Hindus are very influential minorities, and the Sikhs and Hindus made it clear most expressly in the last meeting of the Round Table Conference that they were in fear of domination by a communal majority, and that they would prefer that there should be no advance at all rather than that they should be

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[Continued.]

put under the control of a communal majority. Why their anxiety is greatest is because of the fear that the transfer of the Police and Courts may result in political pressure being brought to bear on the Police and Courts, which could be used as engines for oppression. That is the fear, that is the anxiety, and that anxiety I dare say exists among minorities in every Province, because nearly every province to start with will be dominated by a communal majority, and the minority is naturally apprehensive. Hitherto they have had the impartial rule of the British Government. Now it is going to become, at first, a communal rule; hence their anxiety.

716. If the duty of enforcing law and order is kept in the hands of the British Service, do not you think that you create a position in which, when you transfer all other Departments to the Indians, you let the Indian element milk the cow and you hold the horns?—There is a good deal in that, but I do not think the British element has ever feared to face an unpleasant position in India, and I hope it will not.

Begum Shah Nawaz.

717. In paragraph 3 of your Memorandum you speak of the maladministration of the District Boards. May I ask you one question about that. Do you know anything about Karachi, for instance?—No; I have not any direct knowledge about Karachi.

718. You are not aware that it is supposed to be one of the best administered communities in the whole world to-day?—I am very glad to hear it. I have no personal knowledge of it.

719. Is it not a fact that when local self-government was transferred to popular control there were strong political Parties in some places like Calcutta and Bombay who were not satisfied with local self-government only, and who entered the municipal corporations, for instance, of Calcutta and Bombay in order to prevent the successful working of those Corporations?—That is probably the case. The Congress Party I think are dominant, certainly, in Calcutta and possibly in Bombay, but I have no direct knowledge. I only know of maladministration.

720. You know that when this transfer took place there was political agitation as well as economic difficulties in the country in almost all the Provinces. Being a Member of the Lahore Municipal

Committee, I would like to say something about it?—Yes.

721. We are very much handicapped in our work through lack of funds. I wonder if you know that during the last ten years the population of Lahore has increased from two lakhs, and 70,000, to four lakhs and 29,000?—Yes, I am very gratified to hear so.

722. I wonder if you know that from 1931 to 1932, on an average per month, we were sanctioning 300 water pipes without making any provision for more water supply? The result is obvious, is it not?—Yes.

723. It is a fact that we all wanted to do something to have more wells and more engines. Why could not we carry out all these good intentions—just because there were no funds forthcoming?—The question of funds is a question for the municipal body. All municipal bodies as far as I know, in fact, all bodies in India, are very averse from further taxation.

724. Let me assure you that there are none more glad than we are to increase taxation if we knew the people had the capacity to pay?—Yes.

725. It so happens that our income has never exceeded more than 22 lakhs and the money which we require for the overhauling of our drainage system as well as for further water supply is nearly 17 lakhs of rupees. Where is that money to come from?—All I know is that when I was Lieutenant-Governor of the Punjab I realized the necessity of a good water supply for Lahore, and we set aside out of Government funds 10 lakhs of rupees, believing that they would make up the other ten lakhs which I think were wanted.

726. Only the other day one of the Punjab officials said to me that it is the duty of the Government to overhaul the whole system of drainage and water supply and hand it over to the people, and then they can easily carry on the administration. You said the other day that you think the agitation for self-government is confined to the educated classes only and that the masses in our country are not concerned with it. Is not that so?—I said that it is chiefly among the educated population. No doubt there is a certain tendency for it to spread among the masses. You can always arouse agitation.

727. May I ask you to illustrate it a little further. Let us take, for instance, one particular Province, yours and mine, the Punjab?—Yes.

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728. Supposing to-morrow the British Parliament were to accept your scheme, I suppose you are aware that the Provincial Governments' despatch is in favour of the present scheme of Federation?—I have not seen the despatch of the Provincial Government.

729. I also think you know that almost all the spokesmen of our Province belonging to all the communities who came here are also supporting this scheme of Federation as it is in the White Paper. Is not that so?—I will take it from you, Begum Sahiba.

730. That means that if your scheme was accepted by Parliament all these people would not be prepared to work in with it. Is not that so?—No, I do not accept that for a moment.

731. Why?—Everyone puts forward demands in advance of what they expect to be granted. That is common in every country, and it is most common in India. They ask for a loaf and they are very glad if they get half a loaf.

732. You can easily get over that difficulty by asking some of the representatives here if they would be prepared to accept your scheme. If most of the members of the educated classes were not prepared to do so I suppose you would get your Ministers from the Nambarrhars or headmen of villages, or could you name any of the gentlemen who would be prepared to take those portfolios? You have very many friends in my Province. Who would be prepared to take those offices?—I cannot say what I would do in a hypothetical case.

733. I think you would agree with me that the representatives, that the members who are representatives of rural interests in our Provincial Legislatures, as of other parties, are real representatives of the rural masses. Would not you agree with me?—I think that is the presumption. I do not know the present personnel.

734. Are you aware that not very long ago the members of what is known as the Rural Party in the Punjab Provincial Council as well as members of the Labour Party, passed a unanimous resolution asking for full Provincial autonomy with full responsibility at the centre?—I will take it from you, Begum Shah.

Chairman.] I think this may be an appropriate moment to remind the Committee and Delegates that examination of the witnesses is designed as an opportunity to discover what the witness thinks, and not to inform the witness.

Sir C. P. Ramaswami Aiyar.

735. I take it, you left India before the inauguration of the Reforms?—Yes, I left in 1920. The Bill had passed.

736. But you have been carefully following the events that have been taking place in India in connection with the Reforms?—I have been trying to. I have a great many friends, both British and Indian, and I meet a great many, who come home from year to year.

737. It would be proper to say that the influence of what you call the intellectual classes over the masses is increasing?—I think so.

738. It would be true to say that, generally speaking, at the present time in India, what the intellectual classes are asking for, the village folk would not be prepared to dissent from?—Not if they were assured that their position under the proposed Constitution would be as good as or better than it is under the existing one.

739. Let me put it in another way. Do you or do you not think it probable that if the intellectual classes made up their minds that a particular scheme of reform was unacceptable, it would be possible for them to exert their influence over the masses so as to make a somewhat difficult position?—You could start a fictitious agitation on that ground, but I do not think it would last very long if the people realised that they were getting a substantial advance; the grounds for this fictitious agitation would not endure.

740. The education of the people would be by Government servants enlightening them that their true friends were those who were in favour of the advance and not the intellectual classes?—Everyone is in favour of an advance. The question is the degree and the time, and all the educated people are by no means in favour of this scheme.

741. I was asking you only with regard to this matter. You said just now that it was possible that if the villagers were satisfied that this particular scheme, minus the transfer of law and order, were all right and were contented with that, then the agitation would die down?—I think so.

742. What would be the machinery that you would employ for the enlightenment of the masses apart from the intellectual classes?—Of course, the Government has the whole machinery of administration at its disposal still. It has its officers,

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British and Indian, and they are always in touch with the masses, at least in the up-country Provinces, and they are in a position to explain the intentions and policy of the Government.

743. I do not want to put it in any form which may be unacceptable to you. In other words you would expect under the new Constitution, the Government to carry on government, and the permanent Civil Service to carry on active propaganda designed to show that the scheme of Reforms asked for by the intellectual classes is not in the real interests of the masses?—No, that does not express my meaning at all. My meaning is that if, as you suggested, the intellectual classes, or a section of them, were to try to promote an agitation among the people to make them hostile to the policy of Government, that would be a fictitious agitation and government, being in touch with the masses *inter alia* through its officials, British and Indian, would be in a position to counteract it if any hostile intentions or manifestations were shown.

744. This close touch with the masses through the officials would be through the permanent Service?—No. There are the headmen of villages; there is the rural organisation which is not official, but it is under the control of government. The Government has an enormous machinery outside its own officials.

745. Who is to be in touch with the headmen?—The District Officer.

746. I agree with that?—Yes.

747. I take it you have been aware that in the Province of Madras law and order was managed by Indian members of the Executive Council?—Yes, I think for a time, anyhow.

748. It continues up to to-day from 1921?—Yes.

749. In Madras every problem relating to law and order was discussed between the Executive Council in conjunction with the Ministry before decisions were taken?—I do not know what took place.

750. Probably you are aware that for four or five years I was in charge of law and order in the Province of Madras?—Yes.

751. Supposing that everything affecting law and order was discussed by the Executive Council in conjunction with the Ministry, that is the transferred half, and assuming for the moment that those decisions were conjointly taken, would you or would you not say that, if that experiment of managing law and order, with the close impact of what may

be called ministerial and legislative opinion behind it, were successful, it gives an argument in favour of the transfer of law and order?—I cannot speak with direct knowledge of conditions in Madras, which are very different from those up-country. You have not the Hindu-Mohammedan question in Madras. You have not many complications such as exist in the Punjab and the United Provinces and in Bengal. So assuming what you say, I would not take that as conclusive for any other Province of which I have knowledge.

752. My misfortune is that my experience is of Madras and yours is of the Punjab and we may not see eye to eye?—Quite so.

753. But there is one more point: Is not it more easy for a person in charge of law and order to put through measures if he has the Legislative Council behind him?—Certainly.

754. Do you or do you not think that that contingency is more likely to be achieved if the Legislative Council felt that he was one of their men instead of being a mandatory or an agent of the reserved half?—I think the risk is too great to be taken at present.

755. Speaking from the very narrow horizon of Madras, I should like to know what you mean by those risks. I take it you consider that the C.I.D. is a very important aspect of the administration of law and order?—Yes.

756. Do you think an Indian is capable of managing that department of public affairs, or is there anything congenitally difficult?—No.

757. Assuming that the Indian is not congenitally unable to manage that particular department, do you or do you not think that if there is no danger on account of race or colour, the administration of the department would be facilitated and irresponsible criticism allayed by his having the Council behind him?—I quite agree that you will get Indians capable of running a department such as that of the C.I.D., but you have to remember that there are great difficulties owing to the religious cleavage and the class cleavage and things of that kind. That it is which makes it much easier for a British official to control a department like that than Indian officials. He is not subject to those difficulties.

758. Would you be surprised to learn that when a Hindu was actually in charge of the Department of law and

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[Continued.]

order and the Criminal Investigation Department in the Province of Madras, certain disturbances of the Hindus and Mohammedans took place and the Legislative Council was against the Hindus and Mohammedans?—I do not know that.

759. Now I pass to another subject. I do not see exactly what is meant by the expression that you want the recruitment to the Judiciary not to be in the hands of an elected Minister?—Yes, the recruitment and the control of the Courts to remain as at present; and, so far, such control is exercised by the local Governors.

760. What is exactly the degree of control over the Courts exercised by the local Governors?—The promotion is from grade to grade, and any disciplinary orders are passed by the local Governor and the High Court in conjunction.

761. And your idea is that the recruiting will depend upon the quality of their work?—Yes.

762. And should not depend upon political considerations?—Quite.

763. Has it always been the case that under the present system the promotion and the recruitment of judicial officers have been wholly acceptable?—I cannot speak of other Provinces.

764. There has not been as much criticism of that now as is likely under any system of transfer?—It all depends, because I know that in my own Province (I cannot say whether it is right or wrong) there has been considerable criticism of the promotion and the appointments of judicial officers, because the present Chief Justice happens to be a Hindu. His appointments are criticised by Mohammedans. Probably in the converse case, there would be similar objection raised.

765. In other words, because the Chief Justice of the High Court is a Hindu, the chances are that a person may be recruited because he is a Hindu?—I would not say that is my own opinion. I say that is the popular view.

766. I realise you would not make any wide assertions; your mere apprehension is that because the Chief Justice is a Hindu, it is just possible that a Mohammedan may not get fair play?—That is the popular opinion.

767. And, therefore, so long as the Hindu and the Mohammedan communities are in existence, the problem, according to you, will still survive?—Yes, till the communal differences become less acute.

768. So that until there is what you call the complete union of the religious States of India, you think that the head of the Judiciary should never be either a Hindu or a Mohammedan?—I do not say that; I only say that is the popular view. I do not put it as my own view.

769. Can I ask whether you share that view?—No, I do not.

770. Under your scheme, Land Revenue and Irrigation are to be transferred to legislative control?—Yes. I accept that proposal in the White Paper.

771. As a very experienced officer, you know that Land Revenue and Irrigation questions arouse the most fierce passions, and are very often the cause of serious troubles in villages?—Yes.

772. And the decision on Land Revenue and Irrigation is not confined to India, as you know?—Quite so.

773. You realise that the decisions on Land Revenue and Irrigation may very easily take a form which may lead to the prevention of those interpreting law and order?—Quite.

774. And I take it you will agree that unless the agencies administering law and order work in complete harmony with the other agencies, the administration of Land Revenue questions will be difficult?—Yes. It is desirable that there should be harmony.

775. Would it conduce to harmony if the agencies derived their sanction and jurisdiction from different sources?—Both, I suppose, derive their authority from the Provincial Government.

776. Supposing the Provincial Government is bisected, according to the scheme, the source of authority is there?—Yes.

777. So that you will arrive at this embarrassment, will you not, that the man in charge of law and order may have to enforce decisions of which he may totally disapprove in regard to the policy pursued?—Yes, but then I take it he would have a right to refer to the Governor.

778. So that the Governor would interfere and say that he must not be so severe?—Yes.

779. So you regard the Governor as ever present and a constant factor in dealing with disputes on questions of Land Revenue and Irrigation?—No. That is why I think it is so essential to have an officer in charge of the Department of law and order who would have the confidence of the Governor and also have administrative experience.

780. With regard to Indian States, I take it you will generally grant that the

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communal problem is not so bad there?—It is getting bad in many that I know of.

781. You are aware that Hyderabad is essentially a Hindu State?—Yes.

782. So that does give rise to some kind of presumption that the Hindu States are not wholly worse in regard to the communal question?—No; I am very glad to know that.

Mr. Morgan Jones.

783. Sir Michael O'Dwyer, did I understand you to say that you left the Indian Service round about the year 1920?—Yes.

784. Would I be right if I said that your experience in the main in India has been concentrated in the Province of the Punjab?—No; half of my experience was in the Punjab, half was in the North-West Frontier, and in native States all over India.

785. Would I be also right in saying this, that your experience, wide as it is, was experience of the India of pre-War time?—During the War, and two years post-War.

786. But mainly pre-War?—Yes.

787. And, therefore, it is just possible that the India of the post-War period may present features with which you are personally not acquainted directly?—No, not directly.

788. Would you agree with me that the post-War India will probably have been subject to the same movements of opinion as other parts of the world, in post-War times?—Not to the same extent, because in India, owing to its wide spaces, general illiteracy and the difficulties of communication and the fact that over 90 per cent. of the people live in the rural areas away from the railway generally, I do not think this world-wide movement has had the same effect outside the towns that it has had in other parts of the world.

789. But you will agree that it has taken place to some degree, anyway?—Undoubtedly.

790. May I take it that when you said, I think, to Lord Reading yesterday, or, perhaps, to the Lord Chairman, that you had co-operated with Mr. Montagu in connection with the Montagu-Chelmsford reforms, those reforms were adumbrated with a view to a possible change in the post-War India?—Yes, undoubtedly, on the conditions laid down in the Preamble to the Act.

791. And should I be right in saying that when the Montagu-Chelmsford re-

forms were adumbrated, they were conceived with a view to the gradual development of the principle of self-government?—Yes.

792. And would I also be right in saying that that principle of self-government, when embodied in legislation, would involve self-government and not a partnership?—No; I do not accept that, because the last line of the Preamble runs: "the ultimate realisation of responsible government in India as an integral part of the British Empire." That, to my mind, involves partnership.

793. But have you been using the phrase "partnership" in your evidence, in that sense, Sir Michael?—I use it in the wider sense that there are three partners in the proposed Federation: the British Government, the Indian States and British-India, and that each is to be adequately represented, if you are going to get a stable Government in the future India.

794. I am afraid I misunderstood you then. In the course of your evidence, I understood you to argue that in your view the Central Legislature in India should consist of representatives of the States, of the Provinces and also the Crown and Parliament?—As one of the parties, yes.

795. And that the Crown and Parliament should be represented either through permanent officials or in some other way, you said?—Yes.

796. Does not that imply a different form of partnership from that prevailing, say, in respect of Canada and Australia?—Undoubtedly, but the conditions in India are not analogous.

797. So, to that degree, you have gone back, surely, slightly upon the view and concept entertained by the Montagu-Chelmsford proposals?—No; because I understood the form that self-government was to take in India would be one suitable to Indian conditions and should not be necessarily a copy of the British democratic institutions.

798. Would you look at volume II of the Simon Commission Report, page 9, paragraph 13, from the middle of the paragraph down: "The joint authors there stated: 'Our conception of the eventual future of India is a sisterhood of states, self-governing in all matters of purely local or provincial interest. . . . Over this congeries of states would preside a central Government increasingly representative,' " and so on. Now I do not see in that passage any words which

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would indicate partnership in the sense in which you now advance it?—I am going not on the words of the Joint Report, but on the Statute of 1919, and I also may add that it is clearly laid down in the Simon Report, that their conception of the future government of British-India is not one which would necessarily be a copy of British institutions.

799. Now let me pass a few years forward, to 1921. You will recall, will you not, that His Royal Highness, the Duke of Connaught, representing the King, used very clear and specific words at Delhi. May I quote the words: "For years, it may be for generations, patriotic and loyal Indians have dreamed of swaraj for their Motherland. To-day you have the beginning of swaraj, self-government within my Empire, and wider scope and ample opportunity for progress to liberty which my other Dominions enjoy." Do you recall those words, Sir Michael?—Yes, I recall those words, but I also recall the words uttered by the Secretary of State in the House of Commons when this matter was under discussion on the 27th March. "The pledges of the past leave full liberty to Parliament in the choice of the time and manner of Constitutional advance. Our hands to-day are free to take whatever course Parliament in its wisdom thinks proper in pursuance of the declaration of 1917." That was the statement of Sir Samuel Hoare on the 27th March in Parliament.

800. I will come to 1927 in a moment; we are at present in 1921?—This is 1933.

801. Am I correct in suggesting that that declaration was a declaration made by a Royal Prince on behalf of the Government?—I do not know to what extent that declaration, if it conflicted with an Act of Parliament, would be valid. The Act of Parliament I consider is the final and binding expression of the opinion of Parliament and the Government of this country.

802. Anyway, it was a declaration made in India in the post-War period?—Yes.

803. In the presence, presumably, of new forces and movements of opinions?—Yes.

804. Now in your evidence you say in your first sentence: "The proposed All-India Federation is not an organic growth." We have moved already, have we not, from the Montagu-Chelmsford proposals to the declaration I have just read out?—Yes.

805. In 1930 the Statutory Commission made its declaration and you quote a special passage from it?—Yes.

Mr. *Morgan-Jones*.] Have you reflected upon the evidence you gave in reply to Lord Reading yesterday, in which Lord Reading quoted to you passages which you had apparently overlooked in the Commission Report.

Viscount *Burnham*.] Have we had this supplied to us so that we can in any way check it—I mean the allusion to Lord Reading's questions?

Mr. *Morgan Jones*.] I am in the hands of the Committee. Everyone knows of course, what happened yesterday.

Chairman.] I think we are all prepared to rely upon our memory for twenty-four hours.

Mr. *Morgan Jones*.

806. If I am misrepresenting him, my Lord, I hope my Lord Reading will correct me. I think I am quite right in suggesting that Lord Reading directed your attention yesterday to certain passages which you had apparently overlooked in the Simon Report?—I do not think I had overlooked them. I do not think I interpreted them in the same way as Lord Reading.

807. Whether you overlooked them or not, you did not quote them?—One cannot quote everything in a memorandum.

Viscount *Burnham*.] On a point of order, I object to quotations being made without their being in the hands of the Committee.

Lord *Irwin*.] Before you rule, my Lord Chairman, might we hear Mr. Jones's question, and then we can see how far we can follow it from our recollection of the Proceedings yesterday.

Sir *Austen Chamberlain*.] One Witness was under examination yesterday and is again under examination to-day. The mere fact that the report of his evidence yesterday is not in print or has not reached him cannot be regarded as deterring us from making any reference to yesterday's Proceedings.

Mr. *Morgan Jones*.] The point of my question, my Lord, was this: I asked Sir Michael whether, in view of the question that Lord Reading put yesterday, he would agree that in point of fact the whole trend of the Simon Commission Report was in favour of the achievement of an All-India Federation at a distant date?

Witness.] Certainly.

808. That Report appeared in 1929?—In 1930, I think.

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809. I beg your pardon. Would you agree, Sir Michael, that the declaration made by the representatives of the Princes on the first day of the Round Table Conference radically changed the situation as foreshadowed by the Simon Commission, and made the distant date a much more immediate date?—No, I do not agree with that conclusion. It showed that one of the obstacles to Federation was in a way to be overcome, that is the possible opposition of the Princes, but it did not remove all the other obstacles—financial, economic, and the position of the Provinces, and that is why I quoted these words from the Simon Report which showed that even if that difficulty was overcome, Federation was not possible till the Provinces had been established as political entities, and that position has still to be attained.

810. Would you agree that on page 20 the Simon Commission realised that? I will read the last paragraph: "Thus an attempt to devise now a detailed and final constitution for the Centre would be to ignore the fact that its ultimate form must depend on the action of its constituent parts. We can but provide the conditions for its future realisation."—Yes.

811. So, clearly, your point, as I understand it, was a point which the Simon Commission had had in mind, but they felt they could not finally adjudicate upon it?—The knowledge was not there. When the Simon Commission outlined Federation as a distant ideal, they had no complete realisation of the difficulties in the way of it, the financial difficulties, the economic difficulties, the questions of Customs and tariffs. All those had to be investigated. Until those had been investigated, they were not in a position to come to the conclusion as to whether Federation was feasible; therefore, they said it was a distant ideal.

812. I will not press that further. Then we come to the next stage: Three Round Table Conferences with the ultimate emergence of this White Paper. Now in view of those steady changes, that steady movement of opinion, are you still of opinion that the first sentence in your Memorandum is justified: "The proposed All-India Federation is not an organic growth"?—Yes, I still adhere to that opinion.

813. In spite of the fact that every single party in the British State is committed to a development of its own, broadly speaking?—No, the parties are not committed; nor is the British Parliament committed.

Mr. Morgan Jones.] It is quite true that they are not committed to the terms of the White Paper, but, surely, we may take it for granted that all three parties are, broadly speaking.

Marquess of Salisbury.] Is Mr. Jones speaking of political parties?

Mr. Morgan Jones.] Yes.

Marquess of Salisbury.] That is very insignificant.

Mr. Morgan Jones.

814. We shall see presently. (*To the Witness.*) But, broadly speaking, the political parties are agreed that the measure of advance something on those lines is inevitable. Do you agree?—I agree that they have consented to investigate the proposals of the White Paper, but they are not debarred from examining any other proposals.

815. Now my last point with you is this. Forgive me for putting this rather rudely. Will you look at the second page of your Memorandum? You speak of the Federal idea having no traditions behind it; then you proceed to discuss the attitude of various bodies towards it?—Yes.

816. The Princes have taken up their side of it. I am only concerned with the reference to the last Government. On what authority do you say that the late Government rather hastily accepted these proposals?—For this reason, that no one, apparently, knew that these proposals for Federation were to be made until the Conference met, and I do not think the implications of Federation and the difficulties in the way of realising it were appreciated when it was decided that Federation should be the solution of the problem. That is why I say it was rather hastily accepted. Undoubtedly at the back of the Government of that day there was a desire to have a stable Government established in India, and I have come to the conclusion—I have not the authority of any member of the late Government for saying so—that they desired to see that stability established, and they thought the adhesion of the Princes in a scheme of Federation would go towards establishing stable conditions.

817. Would you be surprised if I told you, Sir Michael, that the Government of that day was in point of fact committed, and had been for years committed, to the idea of self-government for India?—Yes; the idea is that every Government is committed, but not to Federation—not to this system of Federation. This was a new means of attaining self-government in India, which was

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accepted, I think rather hastily (it is a good ideal), by the Government in 1930.

818. But the point was made yesterday. You surely have not overlooked the fact that when the Simon Commission was in India leave was asked of the Prime Minister of the day to consider the special position of the States?—Undoubtedly.

819. And having made this examination of the position of the States, surely it is a little unfair to suggest that a Federation was hastily accepted by the then Government?—My reasons for that conclusion are based upon the Report of the Government of India under Lord Irwin's régime in September, 1930, and it is clear from that Report that in September, 1930, the question of the adhesion of the Princes to a scheme of Federation had not then been entertained by the Government of India.

820. I have only one or two questions more to put to you. I gather that even you yourself do not shut out all ideas of advance in India in the future?—Certainly not.

821. Would your ideas of advance contemplate at some future stage co-operation between the States and the Provinces in a Central Legislature?—Certainly.

822. So that your difference with the principles of the White Paper would be simply this: It is a question of time?—Yes, and with the adequate representation of the British Government in the new Federal Government to be established in India.

823. You would insist upon that?—Yes; that, I think, is essential to give stability and confidence. I think that would be acceptable to the Princes, to have the British Government properly represented, and I think it would be acceptable to the great mass of opinion in India.

Earl Winterton.

824. I realise the need for taking up as little time as possible, and I hope to do so. I am afraid I have rather a number of questions to ask Sir Michael, but, if I may say so, without impertinence, I rely upon the same patience and good humour as he has shown in answer to the other Questioners. Does not there appear to be a certain discrepancy between the evidence which was given before this Committee and the comment you made yesterday in the public Press. You said in a letter to the "Times" yesterday: "The real views of the Ser-

vices in India may be gathered from the Memorandum presented to the Joint Committee on 2nd June on behalf of 899 members," etc. Then you go on: "That Memorandum states that 'the White Paper proposals will put every service and nearly every officer under the control of authorities responsible not to the British Parliament but to an Indian Legislature,' and it ends thus: 'It is impossible to exaggerate the feelings of apprehension and anxiety with which this momentous change is regarded by members of the Services.' Whom are we to believe? The 'men on the spot,' in other words, the toads beneath the harrow, or 'the butterfly upon the road'?"—Yes.

825. May I call your attention to the same issue of the "Times" to the following questions and answers which were put to Sir John Kerr to whom you were referring, speaking on behalf of the Association. "Reference was made by Lord Salisbury to the apprehension and anxiety which the Indian Civil Service Association said was felt in the services over the contemplated changes in the administration of India. Sir John Kerr stated that there was a distinct feeling of anxiety and unrest among the services. Lord Reading asked if the apprehension and anxiety were in respect of the future position of the services and the effect upon them of the changes that may be made unless the greatest care was taken to make their position secure. Sir John Kerr replied in the affirmative, and made it clear that the 'apprehension and anxiety' referred to in the Association's memorandum was not of a political nature." I only ask you if you accept Sir John Kerr's statement?—Yes. I quoted from the exact words of the Memorandum put in before this Committee on behalf of the Services.

826. I will not pursue the matter. [I was suggesting reading your letter; it might be a little difficult to understand?—Yes.

827. Now, Sir Michael, I gather you are prepared from your answers to put into operation the Government of India Act, 1919, and all that it implies?—Yes.

828. I was going to come in a moment to a certain Memorandum which you wrote at the time before the Act came into operation. Would it be fair to say that you are influenced in your mind, as doubtless others of us are, by the fact that circumstances arising during and immediately after the War made it

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almost impossible for His Majesty's Government in Great Britain to contemplate the same system of what one may call without offence paternal government in different parts of the Empire as that which existed before?—Yes.

829. His Majesty's Government in Great Britain conferred independence upon Egypt. At a time when you were carrying out most distinguished service in India others of us in the Service of the Crown in less distinguished capacities were, under orders from His Majesty's Government, taking part in the revolt of the Arab people against the Turkish suzerainty with an implicit promise that when the War was over His Majesty's Government would assist those peoples to attain independence?—I will take that from you. I think it is a well known fact.

830. In 1919 you were one of the signatories to the alternative plan of reform to that recommended in the Montagu-Chelmsford Report?—Yes.

831. You were invited by the Government of India, as holding a very distinguished position in India to give your plan?—Yes.

832. This alternative plan advocated, no division of subjects into Reserved and Transferred?—I was opposed to dyarchy.

833. But a unitary executive "responsible ultimately to the Secretary of State, but necessarily influenced by the opinions of the Legislative Council," and "largely accountable in practice to the Legislative Council." Am I correct in my quotation?—I have no doubt. I have not got the Memorandum with me, and I have not seen it for years.

834. It has been clear from your answers, I think, that you are in favour of the transfer of all subjects in the Provinces other than Police and the administration of justice?—Yes, with the retention of a nucleus of British officials in various services.

835. I am coming to that in a moment, because I am not quite clear there. Therefore, although in 1919 in this Memorandum which I have quoted from you were opposed to dyarchy in the Provincial executives, you are now in favour of it?—Yes, for this reason, that the Government I contemplated in 1919 was one responsible to the Crown and Parliament—a unitary Government.

836. You have altered your opinion about dyarchy since 1919 as a result of the course of events?—I have not altered my opinion except to this extent: At

that time all Departments were to be controlled under our Memorandum of 1919 as far as I remember by a Governor with an equal number of Indian and British Ministers. He could give any portfolio he liked to these Executive Councillors, but he was responsible to the Crown and Parliament. I recognise the disadvantages in any system which entail: dyarchy—to cleavage of responsibility—but I think it is essential to maintain in the wider interests of public security, the Law Courts and the Police as a Reserved subject—call it that. That is my position.

837. Apart from that I suppose I am right in inferring that you consider the Montagu-Chelmsford reforms to have worked well enough to justify the transfer now to Ministers of the important matters which you are prepared to transfer?—In view of the expectations roused. They have worked very differently in different provinces. In some there has been an absolute deadlock such as in Bengal and the Central Provinces. It worked best in Madras and the Punjab, and with varying success elsewhere, but I am prepared to take the risk on the whole (and it is a big risk) of the course I have suggested.

838. As a result of experience?—As a result of the expectations aroused. That test has, in fact, not been applied which was laid down in the Act of 1919, that future advance should be determined by the degree of co-operation and the sense of responsibility shown by those on whom greater opportunities had been conferred. That has more or less gone by the board, and we have to accept that fact now and decide what further advance can be made now with least risk.

839. You would be prepared to go further than you were in 1919?—Yes, undoubtedly.

840. My next question refers to a matter which was dealt with yesterday, I think by Lord Eustace Percy. I hope no member of the Committee will object to my quoting from the evidence. It is published but it has not been distributed yet. Yesterday you were asked this by Lord Eustace Percy when he was questioning you on the subject of the "divided allegiance", I think is the correct term, which an officer might have under the new system and under the present one. He said he would have two superior officers. Your reply is "Yes, that happens every day at present. (Q.) Does it? In what way?—(A.) As far as regards transferred subjects there are a certain

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number of subjects at present transferred in which the district Officer is working under a Minister. (Q.) Such as?—(A.) Public works, Education, Agriculture and Excise?—I might have added Public Health.

841. Would it be your experience, speaking from your own provincial experience that on the whole the two most important functions which the Provincial Officer (if I may use a convenient term), would have would be that of land revenue and law and order?—Yes, covering land-revenue irrigation.

842. You would agree with my suggestion that Law and Order and Land Revenue would be the most important?—Yes.

843. You would further agree that under the present system the transferred subjects, such as Agriculture (I am talking of the Agricultural Department, and also Education, and things of that kind), in many cases would not be the sort of subjects from a departmental point of view which the District Officer would have to deal with?—No, not so much.

844. Therefore under the new system which you contemplate he would be, if I may use a slang term, in a more dyarchical position than he is to-day?—Yes.

845. His difficulties in the matter of divided allegiance would be much greater than they are to-day?—In practice I do not think these difficulties will arise. The members of the Services in India are so accustomed to receiving orders from different authorities and carrying them out, that I think very few practical difficulties will arise.

846. You would not see those difficulties even though under your proposal the District Officer was responsible for Law and Order to the Governor, and was responsible for Land Revenue to the Local Governor?—No; provided, of course, as we must assume, that you will have responsible men as Ministers who understand administration, who are content very often to accept advice from experts at the Head of the Department. With a Minister like that I see no difficulty in that question of Land Revenue.

847. You think you would have men of responsibility as Ministers?—Yes; assuming that.

848. But you would not entrust those men with Law and Order?—No, not at this stage, for the reasons I have already given. The communal question is so acute.

849. My next question is: Am I right in assuming that the Provincial Govern-

ments have not protested in any way against the proposals of the Simon Commission to transfer Law and Order?—The majority of them have unreservedly accepted it, and the minority, subject to the right to appoint a non-elected Minister?—I think that puts the case. At that time, I think, the position of the Governments in India was that they thought the Government in power here was distinctly in favour of a great advance forward (the late Government) and therefore they did not take as strong a line in opposing what many of them had misgivings about as they otherwise would.

850. I must ask you a few leading questions on that point, because it is obviously a very important one. Do I infer that you think the answer of the Provincial Governments was not given on the merits of the case, but because of the fear of some pressure from above?—No; I would not say that. This is my view of it. The answer of the Governments I consider was influenced by the fact that they were serving under a Government in India and the Government at home had favoured a considerable advance, and therefore they were less inclined to dwell on the difficulties of that advance.

851. No doubt your attention has been called to what might be called the analogous circumstances when the opinions of the Provincial Governments were asked about the Montagu-Chelmsford reforms?—Yes.

852. Are you aware that on that occasion Provincial Governments and their advisers gave the most full and free views, some of them in great opposition to the Government's policy? Are you suggesting circumstances are different to-day?—Yes, because you had the Indian element much stronger under the Reform scheme, and the views of the Indian Ministers had naturally considerable effect in influencing the views of the Government.

853. Are you suggesting a distinction may be drawn between the willingness and ability of Provincial Governments to express their real opinion in 1929 and the year 1918?—Yes, Provincial Governments were differently constituted in 1929 from what they were in 1918, and that difference in constitution affected the opinions put forward.

854. That is not quite my point. I quite realise the difference in composition affects the opinions of every Government. A Labour Government has

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different opinions from a Conservative Government. Is it your suggestion that the Governments were in a less good position in 1929 to express their real opinion than they were in 1918?—They were in the same position to express the views of the Governments as constituted. They gave more prominence to politics than to administration.

855. My next question is in regard to another answer which you gave yesterday. I am asking this question because I am anxious to clear up the difficulty that exists in my own mind with regard to your Memorandum and the question you answered. You said yesterday to Lord Lothian at Question 496: "I think you would stop further Indianisation of the services. Is that correct?—(A.) No. (Q.) You would allow the Lee Commission Report to go through?—(A.) Certainly." Those were your answers yesterday?—Yes.

856. In your Memorandum, paragraph 3, you say: "Even now the smallness of the British element is a serious danger and in the event of a crisis may lead to disaster." My question is: You are prepared to take that risk and you are prepared to take the risk of disaster?—Yes, because I think we are bound by the arrangement made by the Lee Commission to take the risks involved in it. I do not desire to increase the risks, but one cannot recall what has been done by the Lee Commission and accepted by the Government at the time. There are risks incurred in every advance, and you have to take them.

857. I am sure the meaning of that particular sentence is to call attention to the risk and not to suggest it should be avoided?—I wrote that sentence with a view to showing that we should do nothing to reduce the British element, and thereby enhance the risks, which are already great.

858. I have only two more questions: You said under paragraph (4) of your Memorandum that the White Paper goes beyond the intention of the Act of 1919?—Yes.

859. Do you mean that the increased Indianisation it provides for is too great?—No. I always accepted that; even in 1919 I heartily agreed with the proposal for the increased Indianisation of all Departments—in fact, I think I was the first prominent official in India to press for the grant of the King's Commission to Indians. The Act provides for the increased Indianisation. I say the Act does not provide that which

apparently the White Paper contemplates, the steady elimination of the British element in all branches of the administration.

860. You suggest that the White Paper goes beyond the intention of the Act of 1919?—Yes.

861. It is a little difficult to know what the intention of an Act of Parliament is except from what the Act says?—The intention is stated here; increasing Indianisation. That is the intention of the Act. I say the White Paper goes beyond that because it will have the effect of eliminating the British element from the administration.

862. As we are on this question of intention I should not have raised the matter unless you had put it in your Memorandum, because I have always been taught that one is not concerned with what is the intention of Parliament but with what Parliament says. May I call attention to the famous preamble of the Act of 1919 which says: "Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian Administration."?—Quite so.

863. Does not that clearly imply that as there has got to be an increasing association of Indians in every branch of Indian administration, unless you are prepared greatly to increase the number of officials, it was bound to mean a decreasing number of British?—Undoubtedly, but not their elimination.

864. In what way do you suggest the White Paper proposals are going beyond the intentions of Parliament?—Because Parliament provides for increasing association. Association means more than one, does it not? You have to be associated with somebody else; that is to say, association of Indian officials with British officials. I say the White Paper will practically eliminate the British officials, so there will be no longer any association when only one party is left.

865. I do not want to take up the time of the Committee by pursuing the matter further. I cannot accept your interpretation of the Preamble of the Act. It uses the words "increasing association"?—Yes; that has been carried out, and now the majority of the higher appointments in India even to-day are held by Indians.

866. Are you referring to what is going to happen after the end of the five years period?—No, to what is contemplated in the White Paper.

867. What particular proposals?—The proposals to transfer the Forests and the

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Irrigation. The provincialisation of those Departments which are at present Reserved will mean that in future it will rest with an Indian Minister to decide whether to appoint any British official or not, and in practice, from the experience of the past, we know that will mean that few, if any, British officials will be appointed to those Departments.

868. May I ask a question which is of great Constitutional importance, it seems to me. You are doubtless aware that it is specifically stated in the Government of India Act, 1919, that provision is specifically made for transferring more and more subjects. In what way do you say the White Paper is going beyond the intentions of the Act of 1919?—Because the Act of 1919 contemplated advance by stages. The White Paper to my mind advances by a jump.

869. I would like to ask what we are to infer from your statement about the intentions of Parliament. You do not suggest it is not competent for Parliament to do anything which might be held to be an extension of its predecessors' expression in 1919?—Of course Parliament can do anything.

870. Surely. The only other question I want to ask you is this: Would you agree that the difference of point of view between that which you put forward in your Memorandum and which, if you will allow me to say so, you so admirably and with such distinction promote outside, and those who are in favour of the Government proposals, is a question of the pace and length of the advance?—I agree.

871. You would therefore (I am sure you would be the last person to lend yourself to any such practice) deprecate very strongly the arguments which have been used outside accusing those who are in favour of the White Paper proposals of being in favour of surrender or abdication?

Lord Reading.

872. May we have the answer?—I do not like to give a reply on a hypothetical question. Would you mind repeating the question?

Earl Winterton.

873. Here we are considering two sets of proposals, the one which you put forward in your Memorandum, and those which are in the White Paper. Those two sets of proposals are both supported by men of eminence and authority outside this room?—Yes.

874. The difference between them is an honest one as to the length and pace of

the advance to be made?—Yes, I agree that the difference is as to the time and measure of the advance, but I hold that if you hurry that advance on the lines which some people desire it does practically mean the surrender of the present British position in India.

Marquess of Salisbury.

875. As questions have been put upon the Act of 1919, I want to bring back the Committee, if I may, to Sir Michael's Memorandum. The Preamble of the Act of 1919 which he recites says that Parliament repeats its responsibility "for the welfare and advancement of the Indian peoples." That is so, of course, and I take it, Sir Michael, that that is really what you care about more than anything else?—Undoubtedly.

876. In all the evidence you have given in answer to my Noble Friend here, it is all directed to what you think to be the welfare of the Indian people, which is what you care about?—Yes. I have no relations there except two nephews who are in the British Army. My sole interest is in the welfare of the people of India.

877. You have served it for many years, and are deeply interested in its welfare?—Yes.

878. What you wish to show in your Memorandum is that the Simon Commission considered Federation would be premature?—Yes.

879. I do not know whether Noble Lords and honourable Gentlemen really require that to be dealt with, but is it not quite manifest from the page to which I would refer my colleagues, page 19 of the Second Volume of the Report of the Simon Commission, that the Commission did think it premature?—Yes.

880. That is your view, is it not?—Yes.

881. I may just refer you to one paragraph, not merely the one which you yourself recited: "Even if we were to ignore the Indian States and were to rest content with the provinces as at present constituted, the necessary conditions for bringing a fully federal constitution into being are not yet present. The provinces must first become political entities."—Yes.

882. You agree entirely with the Simon Commission Report?—Entirely with that passage.

883. You probably agree that experience shows that Federation has generally come about some time after the federating units have become politically self-conscious?—Undoubtedly.

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[Continued.]

884. "Thus an attempt to devise now a detailed and final constitution for the Centre would be to ignore the fact that its ultimate form must depend on the action of its constituent parts. We can but provide the conditions for its future realisation."—Yes, I accept that.

885. In point of fact, you think that your contention that Federation would be premature is fully sustained by the Report of the Simon Commission?—That is the view I take, my Lord.

886. That is what you have made clear. I will ask you one or two questions; you think that the fact that the Federal Units would not be *ejusdem generis* would lead to friction?—I think so.

887. I think you have already elaborated that point in your evidence?—Yes.

888. Have you elaborated that point in your evidence?—Yes; I thought there would be friction, not only on communal grounds, but also on economic grounds, between the Agricultural Provinces and the Industrialised Provinces.

889. You were even afraid that as it worked out there might be a break away from the Federation on behalf of certain provinces?—Yes, unless you have a strong force for maintaining cohesion, and that is why I think it is essential, if you are going to prevent these break-aways, that the British element, the British Crown and Parliament, should have a strong representation in the Federal Government. That would give it stability and cohesion.

890. As to the acting together of certain provinces, I should like to ask you with reference to a statement made by my friend Sir Manubhai Mehta the other day. He spoke apparently as if he looked forward to a Federation of the States, a unification of the States under a sort of separate Federation under the Federal Constitution when it was established. Was your attention called to that?—Not particularly. I do not remember it. I know it has been mooted, and some of the Princes themselves have mentioned it to me.

891. Have you formed any opinion as to what the effect of that will be?—My own opinion on such data as I have is that the States would be in a stronger position to enter the Federal Government if they had first established a Confederate system amongst themselves.

892. Therefore you would rather approve of that modification?—I would, but I cannot speak with any authority except my own individual opinion.

893. Let me take you for a moment to the other part of your Memorandum. You have been asked about it a great deal. You are of opinion that the elimination of the British element would involve disaster in the Government of India?—Very great danger. Are you speaking, my Lord, of the British element in the Legislature, or the administration, or both?

894. Both?—Certainly. I think it would involve disaster if you include both.

895. You answered my Noble Friend just now that you think there has already been deterioration?—That is the opinion I have formed from many sources, from information I have received from British and Indian friends who have returned from India, that since 1920 or 1921 there has already been a considerable decrease in the efficiency of most of the Departments of Government.

896. You believe that to be the general opinion?—I believe so, yes.

897. You think that under the proposals of the White Paper that deterioration will increase?—I think so.

898. Do you think that is the general opinion, too?—I think so, undoubtedly.

899. Have you ever met anybody who thought it would not deteriorate?—No. I have met some officers, friends of mine, who said: "We have got to go on, and we have got to accept the deterioration." That is the only view put forward.

900. I do not mean to prejudge the issue, but I only want it to be on record that in your opinion, with great experience, not only that under the White Paper the administration would deteriorate, but that that is the general opinion even of persons who are in favour of the White Paper?—Yes.

901. That is what is important?—Yes.

902. And you would then refer back, perhaps, to the Preamble of the Act of 1919 which says that Parliament is responsible for the welfare and advancement of the Indian people?—Yes. That is the principle I have always been trying to press. I do not think it has received sufficient acknowledgment in these proposals, but that is the essential and primary test.

903. And when people speak, as they often do, of the commitments which are involved in the Act of 1919, you would like that particular commitment not to be forgotten?—No; I think it is the primary obligation and it follows directly from Queen Victoria's Proclamation when

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[Continued.]

we took over India, and it has priority of any later promise or anything else.

904. And you would go so far as to say that no Constitution would be justified which did not make for the welfare of the Indian people?—Yes. I tried to put it in the last paragraph in my Memorandum, that these conditions must be satisfied.

905. My only object is to bring out what your views are in a form which everybody may realise, Sir Michael. I think you even use the phrase that in the deterioration the Indian masses would be the chief sufferers?—Undoubtedly.

906. Of course, we really have never heard the opinion of the Indian masses, have we?—No; it is very difficult to get it.

Marquess of Salisbury.] We have, of course, the very great advantage of the presence of their representatives. Please do not think I want to speak with any disrespect of their authority.

Sir Tej Bahadur Sapru.] I would respectfully suggest that your Lordships might go to India yourselves and speak to the masses.

Marquess of Salisbury.

907. I have a great respect for Sir Tej Sapru's opinion. Please do not think for a moment that I wish to say one word against him or any of the Delegation. (*To the witness.*) As a matter of fact, the great body of these masses of Indian people, for whose welfare Parliament is deeply responsible, have not really expressed any opinion?—No. It is impossible, I think, that they should, except to the extent that they have votes, and the number who have votes at present is less than 3 per cent. of the whole, so that 97 per cent. of the population have no opportunity at present of expressing themselves.

908. Then let me say one word upon law and order. You have said that you deprecate the handing over of law and order as it is provided in the White Paper?—Yes.

909. It is said, is it not, by some that the Simon Commission were in favour of handing over law and order to the Provincial Governors?—Yes, with certain restrictions, on the assumption that the Central Government remained responsible to Parliament, and that the Governor could appoint official Ministers to take charge of any portfolio he desired.

910. It was in order precisely to bring out that point that I put the question.

The Simon Commission only recommended it subject to conditions, which conditions were not fulfilled in the White Paper?—Yes.

911. Therefore, to quote Sir John Simon himself because of his speech in the House of Commons the other day in favour of handing over law and order under the conditions of the White Paper, would be quite inaccurate?—Yes; it would not be a fair argument, in my opinion.

912. It would be contrary to the truth, in fact?—Yes.

913. There is only one other matter that I want to draw your attention to, and that is the financial effect of the policy of the White Paper. I do not think you have said anything about that in your Memorandum?—No, because I believe that is going to be covered by another Witness, but I know the inevitable result of any Constitutional reforms is an enormous increase in expenditure, especially at the top. If I may give you an instance, after the Montagu-Chelmsford reforms, my place was taken under the reform scheme by eight highly paid officials; there were two Executive Councillors, there were three Indian Ministers; there was a separate Agent Governor-General for the Punjab States, and there was a separate President for the Council. All those functions had been exercised by a single individual with a salary of a lakh of rupees per annum; under the new conditions those functions were distributed among eight individuals at a cost of, I think, between 4 and 5 lakhs of rupees, and, of course, there was a consequential enormous increase in Secretaries and various other matters. I am only mentioning that as one instance showing the expenditure at the top, and I do not think the population of India is in a position to stand these very heavy additional charges.

914. In fact, several Provinces are in deficit now?—Seven out of nine, I gather, this year. And, of course, the cost of establishing the new Federal Constitution will be very great, and must inevitably mean a considerable increase in taxation.

915. So that you feel quite satisfied that the policy of the White Paper will lead to very grave extra expenditure?—Undoubtedly, yes. I do not see how it can be avoided.

916. Have you ever met anybody who doubts that?—No, I think not.

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[Continued.]

917. Nor have I?—I believe if you were to show the people of India who are pressing for this Constitutional advance the Constitution on the one hand, and the increased taxation on the other, a great many of them would be very doubtful as to whether it was worth the candle.

Marquess of Salisbury.] That may be. I do not think I have any further questions to put. I hope I have not kept the Committee too long.

Sir Samuel Hoare.] I should like to have it put upon the Note that the statement that seven Provinces are in deficit out of nine is not accurate.

Witness.] I got that out of the third Round Table Conference Report. Things may have altered since then. I am very glad to hear it. Some Provinces are in deficit.

Marquess of Salisbury.

918. Might I ask whether this deficit condition of the Provinces did not appear before the third Round Table Conference?—I think it is from there I got it; I cannot state definitely.

Sardar Buta Singh.

919. I will not be long, but I would like to put only one or two questions. I think tremendous changes have taken place, Sir Michael, since you left our Province?—Undoubtedly.

920. Did I understand to suggest that 97 per cent. of the masses are not in favour of the proposals?—I do not say they are not in favour; I say it is impossible to understand what their views are.

921. But if a poll is taken there, and supposing that they nominate such an eminent authority as yourself and they are in favour of the transfer of law and order in the Provinces as well as responsibility in the Centre, would you be persuaded to change your view then?—I do not think that 97 per cent. are capable of giving an opinion on a matter of that kind. Might I quote in support of that the opinion of John Stuart Mill: "Representative institutions are of little value, and may be a mere instrument of tyranny or intrigue, when the generality of voters are not sufficiently interested in their own Government to give their vote; or, if they vote at all, do not bestow their suffrage on public grounds, but sell them for money or vote at the beck of someone who has control

over them, or whom for private reasons they desire to propitiate. Popular election thus practised, instead of a security against mis-government, is but an additional wheel in its machinery."

922. In reply to this very statement, I may give you other information, that after you left our Province there was an akali movement there and we have got adult suffrage, everybody voting beyond a certain age, men and women together, and for your information I will tell you that no such thing has happened as you are visualising in that statement of John Stuart Mill?—I may say that the Sikh community is much better organised and much more democratically minded than any other community in India, perhaps.

923. Supposing I were to tell you that in the Punjab in spite of certain family quarrels between Mohammedans and Hindus, we want that law and order should be transferred and that the responsibility should be given in the centre?—I would accept that more readily if it had not been for the statement made by the Hindu representatives and the Sikh representatives at the Round Table Conference that they entirely disapproved of any advance in the Punjab.

Mr. Zafarulla Khan.

924. Sir Michael, I have understood that you have had no personal direct experience of the Montagu-Chelmsford reforms, but will you inform the Committee of the names of the Governors in the Punjab who after several years' connection with the Province have worked the reforms?—Sir Edward Maclagan, Sir Malcolm Hailey and Sir Geoffrey de Montmorency.

925. Now with regard to this Memorandum that you put forward, and your scheme, I wish to understand rather briefly the whole picture as you visualise it. Am I right in saying that your scheme will be somewhat like this: Law and order in the Provinces not to be transferred until it can be done without serious risks?—That is so.

926. That until these risks disappear and law and order can be transferred, the Provinces will not be fully autonomous?—It depends how they regard the matter themselves. I pointed out that Catalonia, the biggest Province in Spain, has an autonomous constitution, but the Police have not been transferred; they remain under the Madrid Government.

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[Continued.]

927. Is it your position then that in spite of the reservation of law and order, the Provinces will be fully autonomous in the sense that they could form units for an Indian Federation?—I think so, yes.

928. Because I understood you to say yesterday in answer to a question that you thought that one of the conditions necessary to be fulfilled before the Federation was that the Provinces should be working as units, and in your opinion that would not be the case so long as law and order was reversed?—Some people would say that the transfer of the Police is not essential to autonomy, and I regard the Police more as an All-India Force than as a Provincial Force. I would not allow the withholding of the Police and the Courts to stand in the way of the accomplishment of that desire.

929. So I may understand, notwithstanding anything that may have been said by you earlier, that once the autonomous Government as visualised by you even with the reservation of law and order, is in working order in the Provinces, that condition for Federation would have been fulfilled?—I would accept that, yes.

930. If there is a genuine desire on the part of a fairly large number of States and a free willingness to come into the Federation, the other condition will also have been fulfilled?—No; besides the presence of the Provinces and the accession of the majority of the States, there are all the financial prerequisites, the establishment of reserve banks, and the conditions to secure financial stability. All of those are outside matters apart from the Provinces, and apart from the adhesion of the States.

931. My meaning is that so far as the conditions laid down in that particular portion of the passage which you have quoted from the Simon Commission Report, volume II, page 19, are concerned, would the two conditions then have been fulfilled apart from other questions which you would separate?—Yes. Of course, the adhesion of a majority of the States is a point put forward by the Government, those responsible for the White Paper. One would like to know that practically all the States had acceded. It would make it more satisfactory if there was a general adhesion and not a partial adhesion.

932. So that given the other conditions, financial and otherwise, which the

White Paper itself laid down as conditions precedent to the establishment of the Federation with the Provinces to be set up immediately, even according to your plan of an adhesion of a large majority of the States, Federation becomes an immediate possibility?—Yes. I have made also the further reservation, that in the future Federation the British Crown and Parliament should be adequately represented.

933. Now with regard to certain other matters my difficulty is that I am unable to follow the Memorandum, with all respect, as a whole, because different things indicate different points of view. You have adverted in your Memorandum to certain matters which appear to me not as preliminary difficulties to the formation of a Federation, but which go to the whole root of the matter, and I am going to put one of them to you. Supposing you had Provinces of this kind as you visualise, law and order reserved, and the financial position is satisfied, and the required number of States coming in and the Federation set up, then do you think there will be no centripetal tendency towards seceding from that Federation?—I certainly would not say there would not be. I should think the odds are that there would be.

934. How would you meet that case? Would you be prepared to take the risk?—I say the risk would be very much lessened if you had got a stabilising British element in the new Federal Assembly. Subject to that, there will be the risk undoubtedly. The risk will be lessened if you have the British element in the Federation strengthened.

935. But according to you, if that condition were fulfilled, you would be prepared to take that risk?—Yes.

936. You would not advance that argument as a permanent obstacle to Federation?—No. If the difficulties indicated in my final paragraph can be overcome, I am all in favour of the realisation of the ideal.

937. You would also be prepared to reconcile yourself to these four factors enumerated by you at the bottom of the first page of your Memorandum?—Yes; undoubtedly there are difficulties, serious obstacles. They may be overcome; one hopes they will be, and one must try, if one is bringing about Federation, to overcome them.

938. In these questions I have put to you, I have accepted some of your reservations?—Yes.

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[Continued.]

939. You say that law and order should not be transferred until it can be transferred without serious risks. Could you in more precise language inform the Committee as to what you consider to be serious risks? What sort of condition do you visualise where there would be no serious risks?—In the first place, the disappearance of communal animosities and antagonism. That is the most serious one.

940. Is that all—is that the main one?—In the next place, the maintenance of a state of security in the various Provinces and the disappearance of seditious and anti-British movements which have often in the past paralysed certain Provinces. Those are only indications; facts change; other considerations may arise.

941. If during a period of 10 years there was an almost entire absence of serious communal friction and serious revolutionary or seditious propaganda, would you then be prepared to consider that a state of things had arrived when law and order might be safely transferred?—Yes, if the Ministers who would get charge of these increased responsibilities had shown in their administration of the Land Revenue, Irrigation, etc., that they could be depended upon to hold the scales evenly and impartially, I would be prepared to consider it.

942. Supposing the transfer had then taken place on the experience of 10 years and after that transfer a condition of communal friction again arose, what would then be the position?—Then, I assume, the Governor would have to assert his authority.

943. Do you think the special powers that the White Paper secures to the Governor in that respect would enable him adequately to meet the situation?—I think so, if you preserved the British element in the Service. It is very hard to forecast a hypothetical case.

944. I am only taking the first of your reservations?—It depends upon the morale of the Service, and the Police, really, and that is an unknown quantity in the future.

945. Then carrying the matter slightly further than Lord Eustace Percy did when questioning you yesterday, he put all the elements of my question to you, but I am going to put a different aspect of it to you. In the ordinary Provincial Government as visualised by you with law and order reserved, and everything else transferred, which would you consider to be the more desirable state of affairs out of the two that I will put to you: One, a Cabinet of Ministers re-

sponsible for policy with regard to such matters as Irrigation, Land Revenue and Forests, Excise and Education, Medicine and Public Health, sitting down considering a question of policy in order to arrive conscious of the risk of adverse reaction at decisions that might adversely affect the welfare of the masses and also from the masses to their policy, saying to themselves: "We think this policy should be adopted, and we shall go forward with it, and the Governor will see that it is enforced by the Police"; or, two, the same Cabinet sitting down, a similar policy before them, conscious that there might be adverse reactions from the masses or from a section of them, and that one of them individually as such, and also all of them collectively as a Cabinet, would have to be responsible for the actions of the people and would have to deal with them—which would be a better Cabinet with regard to the decision of the policy which should be followed?—Of course, if you only consider that particular case it would be better to have it considered by one Cabinet, but the first case you put before me is also capable of solution because it is contemplated, as there has been in the past, that even when you have reserved a subject there should be continual intercourse and interchange of opinion between the reserve side and the transferred side. In the first place, the Governor and the Minister in charge of law and order would undoubtedly discuss the situation with the Ministers who were supposed to be responsible for this change of policy.

946. Now that I have put that very long question and you know the elements of it, may I say it is slightly different from what you imagine it to be. I do not mean that they will not be interested in policy and that therefore the Cabinet will not be conscious of all the reactions there might be. Do not you think the policy itself is likely to be influenced in a more salutary direction if the Cabinet know that it will be they who will have to bear the responsibility in the legislature and the country, rather than in a state of things where they decide the policy, and it would be the Governor who would have to take the consequences and take the reaction?—It is very hard to follow all that. I would sooner not answer.

Sir Austen Chamberlain.

947. May I plead that Sir Michael O'Dwyer should seriously consider that question? It seems to me to be of great

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[Continued.]

importance and one to which there should be an answer. Perhaps Sir Michael would prefer to look at it in print and answer it at a later stage?—When a very long question is put and there are various matters mixed up it is difficult to answer. I understand the question to be this: Would not the decision of the Cabinet, if it was a unitary Cabinet, without any Members standing outside, be more likely to be a sound decision than if you had one Member of the Cabinet standing outside, responsible for the enforcing of that decision?

Mr. Zafulla Khan.

948. I prefer to use the expression I used. Would not the policy of a Cabinet who knew that they must take all the consequences of their policy upon their own shoulders be influenced when they were deciding that policy in a more salutary direction, if they had to take all the consequences, rather than in a state of things where they decide the policy and the responsibility of enforcing it were upon the Governor?—No, I do not take that view. You have these very difficult questions coming forward, and if you have the Cabinet deciding on a policy, and the Minister responsible for law and order will have to carry out that policy, there is considerable danger that they may embark on a dangerous policy. If they know that the authority on whom the execution of their orders ultimately depends is an outside authority responsible not to the Legislature but to the Governor and the British Parliament, they will have more hesitation in embarking on a policy that may be dangerous, e.g., the prohibition of time-killing by a Hindu majority. That is the way I put it.

949. I am quite content to have your view. In the last paragraph of your Memorandum you have been pleased to tell the Committee the essential tests of welfare and advancement?—Yes.

950. One of those, No. 3, is: "Progressive and efficient administration." What is your definition of progressive administration? I understand "efficient" all right; but I have some difficulty in understanding the meaning of "progressive" administration?—I mean developing the resources of a country, like developing railways, public works, hydroelectric works, and so on. Great works have been carried out in the Punjab about which you know more than I.

951. I quite agree with you in the definition of "progressive" administration. If you will kindly have in view the Punjab, the Province with which you have had the most intimate connection, will you kindly tell me how these matters, the spread of elementary education, both among boys and girls, medical relief, public health, communications, and the development of the hydro-electric resources of the Province, compare between the two periods 1849-1919 and 1919 to the present day?—As regards education, which is the thing I know most of—

952. I said elementary education?—As regards elementary education there has been an enormous improvement, and I may claim some slight credit for it, because in 1919 I was responsible for the passage of the Act for compulsory education where local bodies accepted the principle of compulsion; and I may point out that that Act was carried with great difficulty because the great majority of the Council, the Hindus and the Sikhs, wanted to make it applicable to girls. The Mohammedans of the Council told me if the Act was made applicable to girls they would not support it, and I had to use all my powers of persuasion, which are not very great, in asking those who were pressing the principle of compulsion for girls not to press it in the interests of education. I said: "That will come in time; do not press it now. You will antagonise the Mohammedan majority and the scheme will fail." The scheme went through. Mr. Ritchie, as Director of Public Instruction, deserves the chief credit for it. It was started in my time, and I am very glad to know the Punjab has set an example to all the other Provinces in India as regards the spread of elementary education.

Sir A. P. Patro.

953. No?—Perhaps Madras has done so, too. The greater development, anyhow, has been in the Punjab. Madras was in the field earlier.

Mr. Zafulla Khan.

954. Now it applies both to boys and girls?—Yes; but the impetus came before the 1919 scheme. At that time we did not make it compulsory on girls. There has been a great development. That is one of the most satisfactory achievements.

955. Would you inform the Committee within how many municipal or district board areas your Act had been applied actually before you left the Punjab?—

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[Continued.]

Not in many, I think, because it was a novelty and you had to get the people accustomed to it. If you move too fast in these matters you antagonise people. You have to carry the people with you.

956. So the application of it was done by the Minister responsible for it?—Yes; undoubtedly a most competent Minister, aided by a most efficient Director.

957. With respect to the development of hydro-electric works, which you mentioned as showing progressive administration, have you any knowledge of the Punjab with regard to the development of its hydro-electric resources?—A certain amount. I know the scheme which has been carried out had been originated in my time—in fact, by my predecessor. It was gradually being worked up, and it was a question of when there would be sufficient funds for the Government to undertake it, and a series of very prosperous years after the War left the Punjab with sufficient to carry out the scheme, and it has been carried out within the last 10 years. But the scheme was initiated before.

958. Was it not initiated after it obtained the sanction of the Punjab Legislative Council?—I daresay, but the scheme had been thought out long before.

959. I am not minimising your share in it. Was not it materialised by the sanction and with the funds of the Punjab Legislative Council?—Yes.

960. What is your opinion with regard to the development and improvement of communications in the Punjab during the last 14 years?—There has been a great improvement, undoubtedly. I have not been there since 1920, but I understand there has been a great improvement.

961. And also with regard to public health and medical relief?—There has been a great extension of dispensaries. The scheme was worked out. We had not the funds to carry it out in full. You had a very go-ahead Council in the Punjab and they were carried through. They were all improvements.

962. I am not contesting what you have said. With regard to the tests which you have yourself laid down as to progressive administration, may I take it that your view is that the Punjab has, under the Montagu-Chelmsford scheme of reforms, given an example of progressive administration?—I think so, with the agency of the All-India Services. I think you are taking the best case in taking the Punjab. The Punjab and Madras I said were the two which had done best in working the reforms. That is admitted.

963. You will agree that these measures cannot be carried through without a consequent increase in taxation?—They involve a lot of expenditure.

964. Are you aware that some years ago the Punjab Legislative Council by a majority, composed mainly of the representatives of the rural areas, made a large increase in the rates of land revenue of the Province in order to develop the resources of the Province?—No, I am not aware of that. My recollection is that the Punjab Council (in which, very rightly, the rural element is very strong) passed a law reducing the standard of the assessment of land revenue. Up to then I think the limit was that the State should not take more than half the net rental, and I think the Punjab Legislature reduced that a few years ago to one-quarter—25 per cent., instead of 50 per cent.

965. May I put this to you in order to make it clear to the Committee?—I am not very clear about it, but I know that law was passed.

966. Is not it the fact that what you are referring to is this, that originally under the old Punjab Land Revenue Act the Government had the statutory right to impose land revenue up to a certain value of the produce of land?—Yes.

967. That matter that you are referring to is that that enactment has been amended and that the rate to which assessment may be carried has been reduced to the level of 25 per cent. of the net assets?—Yes.

968. Not that there was an actual reduction in the rates imposed?—That may be.

969. Is that so?—I do not know what difference it has made in the rates. I know nearly all the assessments of the Punjab were carried out when I was Governor. The principle was that the State then could take up to half the net assets. In practice it never took anything like that. The Punjab Legislature then laid it down that the State's share should be limited to a quarter—that is 25 per cent. of the net assets.

970. All the Statute did was to limit the maximum to which the State should go—the maximum which had never been approached in practice?—That is so.

971. That did not mean that by the passing of the Act the actual rates which were levied were in any way affected?—I do not know, of course, what happened in practice.

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[Continued.]

972. Is it correct that in actual practice the assessments never went up to anywhere near the half the net assessments?—In the old days that is true in the Punjab.

973. I thought my question was misunderstood. Are you aware that with regard to the actual levying of these taxes the Legislative Council voted, with the help of a large majority of rural Members, that the actual rates may be increased both with regard to the water rates and land revenue in order to bring in a larger actual net revenue to the Province?—I did not know that.

974. Now with regard to the question to deterioration, you have a great deal of apprehension that the administration and other things might deteriorate considerably if this advance is made. Do you think, if your apprehension with regard to deterioration is justified—I am not accepting that—that with the reservation of Law and Order there would be no deterioration in the other Departments that are transferred?—No; the reservation of Law and Order will not prevent deterioration in other Departments. It all depends upon how they are carried out. There is a risk.

975. Does not your argument with regard to deterioration give an indication that there should really be no advance at all according to democratic principles?—You have got to pay the price for the application of democratic principles, even if it results in the inefficiency of the administration.

976. Now with regard to the degrees in expenditure, under your system would that expenditure be one penny less than it would be otherwise, say, in the Provinces?—That would require a certain amount of working out; I would not like to give an offhand reply to that question. I think experience shows that all schemes of Constitutional development lead to enormously increased expenditure.

977. Comparing your own suggestion with regard to the Provincial Governments with the scheme outlined in the White Paper, will you point out where you think the White Paper scheme is likely to be more expensive than your scheme?—I would require some detailed consideration for that.

978. In what respect do you think your scheme will be more economical?—I have not worked it out.

979. How do you prevent an increase in the expenditure under the future Constitution of India with regard to the organs of administration, provided your

own scheme was accepted?—I do not think it is necessary to have such large Legislatures either at the Centre or in the Provinces. Probably the larger Legislature will mean a larger number of Ministers and staffs, with also a great increase in expenditure.

980. So that your argument on the basis of increased expenditure has no application to the question of advance, but only to the details which are necessary in every advance?—I do not quite follow that.

981. It has nothing to do with the reservation of Law and Order. The reservation of Law and Order would not be more economical, nor has it anything to do with regard to the policy?—No; the reservation of Law and Order to my mind will not affect the financial position one way or the other.

982. Your objection with regard to the increase of expenditure is with regard to the details of the scheme. It has nothing to do with regard to the policy?—As regards the Federation, Federation will be a very expensive business as I have attempted, I think, to show.

983. In the Provinces it would make no difference?—Not so much I think, but in the Central Government, it would make a very considerable difference, because all these questions arise of establishing a Federal bank, getting rid of the tribute paid by Native States and starting new Provinces, all of which are due to Federation. All that will mean a considerably increased expenditure, and necessitate a great increase of taxation, and all those things result from the proposed Federal scheme.

984. I do not put it as a financial question but, surely, am I not right in suggesting that the remission of tributes and the setting up of new Provinces in the sense of increased deficits and increased expenditure where it may be concerned with the development of the Province in order to set it on its own feet is more a matter of adjustment, really, although it does lead to increased expenditure, but it results in this, that a certain amount of money which is at present being taken by tributes goes back to the people and it has to come out of taxation?—Yes.

985. It is not necessarily an increased burden upon the population?—Everything that means increased taxation is regarded as an increased burden.

986. Do you think that increased taxation is not justified for the purpose for

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[Continued.]

which it is levied under any circumstances?—No, I do not agree with that. As I say, you have got to pay for precious things like Federal Constitutions.

987. So far as the question of Constitutional development would be concerned?—For development in the Punjab, of course, increased taxation is essential, and I think one of the faults of the All-India Legislature has been their unwillingness to impose taxation. It is a very unpopular thing to do.

988. Now with regard to another aspect of this increased expenditure, I am not suggesting for a moment, one way or the other, any policy with regard to it, but in order to give you an illustration that sometimes it may be beneficial to have taxation for carrying on the administration. Can you cite to me an instance of any other country besides India where the Civil Service and the Police are paid as highly as they are in India?—I have not got sufficient knowledge; I cannot quote any offhand.

989. But you think that the expenditure on the Indian Civil Service and the Police is justified, although it may result in increased taxation?—Yes; you have to pay for an efficient administration; you have to pay for impartial justice; and you have to pay highly for them.

990. So that even efficient administration need not necessarily go hand in hand with low taxation?—I agree. We find that in this country, to our cost.

991. Now, with regard to another matter you have raised, you have at various places in your Memorandum and also during the course of your evidence insisted upon a certain factor which I am not completely able to understand. One illustration will serve. In the first paragraph of your Memorandum dealing with "Federation" you say: "The Punjab with its canals irrigating 12,000,000 acres, its great railway system and its ten large military cantonments is essentially a British creation. In the proposed Legislative Council of 175 there will be one man to represent British interests"?—Yes.

992. What exactly do you desire to happen, taking this as an illustration, in the case of the Punjab? What would you propose yourself?—I might, perhaps, amplify that a bit as regards the British creation.

993. I am not questioning that. I say, supposing the last sentence is correct, then you seem to think that something else should have followed from that

sentence rather than the condition of things to which you refer in the next sentence?—Yes, quite so. I think there should be a strong British element in the Punjab Legislative Council to represent the British Crown and the British Parliament, which have made the Punjab what it is to-day.

994. With regard to the Legislature, your complaint is that out of 175 there is only one man to represent British interests?—Yes.

995. Could you give the Committee the precise representation that you would give in the Punjab Council to British interests, and what would be those interests?—I think at present in the smaller Council of about 100 members there are 18, are there not? It is given in the Simon Report, I think.

996. There are 22 officials out of 93?—Yes. That is a recognition of the fact that the British Government has powerful interests in the Punjab and gives an opportunity for promoting and carrying out British ideals. I do not agree to 22 out of 93 being reduced to one out of 175.

997. What would be your proposal?—My proposal would be to maintain a strong British element.

998. Say how many?—I have not worked it out; it is not a thing I would not venture to give a final opinion upon.

999. Would 40 to 50 out of 175 satisfy you?—We will say the same proportion as at present. It is 22 out of 93.

1000. You want the same proportion of the official block maintained in the Provincial Councils?—Yes.

1001. Do you realise that under the present system all those 22 may be Indians?—Yes, but it is most unlikely.

1002. And, under the future system, that they may be all Indians? What you insist upon is that they should be officials?—No. If they were all Indians, then I would insist that the British representation should be made good in another way.

1003. That is exactly why I ask you to tell us precisely what you mean. Under the present system, the Governor has the power to nominate so many members to the Council, out of whom so many may be officials, but they need not be Europeans. Would you modify that proposal and say in future you want to have the same proportion of officials, but they must be British officials?—No. I would say you must have a number of officials, a certain number of whom should be British. I am only putting this forward

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as a principle. I want the principle to be accepted and then let the details be worked out.

1004. But how many should be British?—I would leave that to the Governor.

1005. What proportion of British to the whole?—I am not in a position to give a definite answer upon that point, because I do not know at present how the Services are constituted. There are a lot of details. I only want to dwell on the necessity of the principle.

1006. But you are prepared to accept the position that at present if the Constitution were not changed in that respect, British interests also should be represented in the Legislative Council?—At present, yes.

1007. Even although they may be Indians?—Yes, because at present the Governor is responsible to Parliament, and all the main reserved subjects are administered by Executive Councillors responsible to Parliament, and that alters the case. Under the new system, it will be different.

1008. But you are prepared to accept the position that even Indian officials (subject to your minimum of British official members of the Council) can be relied upon to safeguard British interests in the Legislative Council, provided they are official members?—I think so, but I think it is essential to have a certain number of British. Take it this way. I think the Civil Service is working up to 50/50. I would be quite prepared to accept for the official element the same proportion of officials in the Legislature.

1009. Would you confine the nomination of the members of the Civil Service to that proportion?—No; I take that as a rough guide. The Civil Service being the senior Service, if the proportions are 50/50, I would take that proportion as applied to the Legislature.

1010. Do you realise that under the new system, even with your reservation of Law and Order, all those officials would be serving under the Cabinet of the day?—Yes, undoubtedly, but not exclusively.

—1011. Whether they are Indian or British officials?—Yes.

1012. And that being so, you would be quite satisfied, nevertheless, that they would officially represent British interests?—Yes, they would be under the control of the Governor, I presume.

1013. In some respects, yes, but I do not presume they would be with regard to their administration and functions?—No, but in regard to some.

1014. Take another aspect of the representatives of Crown and Parliament. I will not go into the question of Parliament and so on, although I think it would be useful to have your view on this. Do you or do you not regard the Union of South Africa as an integral part of the British Empire?—Yes, in theory.

1015. Not in practice?—No, because the Prime Minister a few years ago—

Sir Austen Chamberlain.

1016. Are not these casual references to our relationships with Egypt and South Africa and other countries very embarrassing. I would prefer not to go into them.

Mr. Zafulla Khan.

1017. I am not pressing that point, but I may call Sir Austen's attention to this, that Sir Michael found his authority for the statement about partnership in the Act of 1919 and quoted from it, to say that the Act visualised the ultimate realisation of responsible Government in India as an integral part of the British Empire, and that meant that in the Legislature to be set up in future the object was that the British Crown and Parliament should be represented?—The Prime Minister of South Africa a few years ago said the Union of South Africa could walk out of the British Empire any time they liked, but he thought it would be undesirable that they should do so, and, copying what he said, several Indian statesmen said if they got the dominion status it would imply the right to walk out of the British Empire.

1018. Do not you think the Governors of Provinces and the Governor-General, in exercising their powers under the new Constitution, would be exercising those powers as representatives of the Crown and Parliament?—Yes, they will be.

1019. Even under the scheme outlined in the White Paper there is a great representation given to Crown and Parliament through Governor-General and Governors?—In theory, but not in fact.

1020. There has been some argument with regard to the implications of the preamble of the Act of 1919 and of the pledges then given and of the statements then made. I am not for a moment suggesting that Parliament have no power to pass any kind of Constitution Act that they like for India, nor am I suggesting for a moment to you as a witness before the Committee that you have not a right to make any suggestions you like that

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you consider may be feasible for the future Constitution of India. I shall call your attention to certain pronouncements and ask you whether under the circumstances of the situation in what sense should those in your opinion be interpreted and translated into actual legislative pronouncements. I do not know whether you are supplied with this little green volume containing the Reports of the Round Table Conference? Will you kindly turn to page 73 of the Report of the First Round Table Conference?—The speech delivered by the Prime Minister?

1021. Yes. It is on page 73, paragraph 2: "What have we been doing? Pledge after pledge has been given to India that the British Raj was there not for perpetual domination. Why did we put facilities for education at your disposal? Why did we put in your hands the textbooks from which we draw political inspiration, if we meant that the people of India should for ever be silent and negative subordinates to our rule? Why have our Queens and our Kings given you pledges? Why have our Viceroy's given you pledges? Why has our Parliament given you pledges? Why, when the Morley-Minto Reforms were launched, did those Reforms contain not merely machinery of government but a promise of advance? Why, when the Montagu-Chelmsford Reforms were in due course launched, did they too not only set up a system of government but give you a pledge that something else was to follow?" Will you now kindly turn to page 80. Mr. Ramsay MacDonald says: "At this point I will read to you the declaration which I am authorized to make by my colleagues of the Government. The view of His Majesty's Government is that responsibility for the government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by minorities to protect their political liberties and rights." Then on page 81, paragraph 2, he says: "With a Legislature constituted on a federal basis, His Majesty's Government will be prepared to recognize the principle of the responsibility of the Executive to the Legislature." On page 82 at the top: "The Governors'

Provinces will be constituted on a basis of full responsibility. Their Ministries will be taken from the Legislature and will be jointly responsible for it." In the second Report, page 5, this was the declaration made and then the Prime Minister, at the end of the second Conference, said: "At the beginning of the year I made a declaration of the policy of the then Government, and I am authorized by the present one"—which was a Coalition Government—"to give you and India a specific assurance that it remains their policy. I shall repeat the salient sentences of that declaration"—I need not repeat them here because I have read them out?—Quite so.

1022. Paragraph 6 on page 6 is as follows: "As I say, my colleagues in His Majesty's present Government fully accept that statement of January last as representing their own policy. In particular, they desire to reaffirm their belief in an All-India Federation as offering the only hopeful solution of India's constitutional problem. They intend to pursue this plan unswervingly and to do their utmost to surmount the difficulties which now stand in the way of its realisation. In order to give this declaration the fullest authority, the statement which I am now making to you will be circulated to-day as a White Paper to both Houses of Parliament, and the Government will ask Parliament to approve it this week." I need not go on reading from this. What I want to establish is this. There was the declaration made by the Prime Minister, then that was embodied in a declaration made by the then Government, then the assurance to us that the succeeding National Government had approved of it and then affirmation of it by Parliament in the form of a White Paper. I am not saying who is bound and who is not bound, but do you think that that policy, so far as India is concerned, having heard those declarations and so on, should be translated into actual practice, with your scheme of reservation of law and order in the Provinces and no central responsibility and that that would be carrying out the pledge of Parliament?—Yes. The pledge of Parliament was that advance should be by stages. Parliament was to be the judge of what should be the time and measure of advance. I

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stand by what is in the Act of Parliament, and what I suggest is a great stage in that advance by giving control of the whole machinery of Provincial administration, with the reservation of law and order till circumstances justify it.

1023. The question is this: Do you suggest to the Committee, or do you take the stand that these pledges that I read

to you out of this book, and not the pledge given in the Act of 1919 will be fully met and carried out if your scheme is accepted? Is that your position, or would you advise them that Parliament should not stand by the pledges given? —As regards pledges, I stand by what the Secretary of State said in Parliament, that Parliament has the fullest discretion, and I adhere to that and I do not enter into any discussion about it.

(The Witness withdrew.)

Ordered, That this Committee be adjourned to Monday next, at half-past Two o'clock.

DIE LUNAE 19^o JUNII, 1933

Present:

Marquess of Salisbury.
Marquess of Zetland.
Marquess of Linlithgow.
Marquess of Reading.
Earl of Derby.
Viscount Burnham.
Lord Snell.
Lord Rankeillour.
Lord Hutchison of Montrose.
Major Attlee.
Mr. Butler.

Major Cadogan.
Sir Austen Chamberlain.
Mr. Cocks.
Sir Reginald Craddock.
Mr. Davidson.
Mr. Isaac Foot.
Sir Samuel Hoare.
Mr. Morgan Jones.
Miss Pickford.
Sir John Wardlaw-Milne.
Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Dahadur Sir Krishnama Chari.
Nawab Sir Liaqat Hayat-Khan.
Sir Akbar Hydari.
Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
Sir P. Pattani.
Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

Sir C. P. Ramaswami Aiyar.
Dr. B. R. Ambedkar.
Sir Hubert Carr.
Mr. A. H. Ghuznavi.
Lt.-Col. Sir H. Gidney.
Sir Hari Singh Gour.
Mr. Rangaswami Iyenger.
Mr. M. R. Jayaker.
Mr. N. M. Joshi.

Begum Shah Nawaz.
Sir A. P. Patro.
Sir Abdur Rahim.
Sir Tej Bahadur Sapru.
Dr. Shafa' At Ahmad Khan.
Sardar Buta Singh.
Sir N. N. Sircar.
Sir Purshotamdas Thakurdas.
Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

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[Continued.]

Colonel the Right Hon. JOSIAH C. WEDGWOOD, D.S.O., a Member of the House of Commons, is examined as follows:—

Chairman.

1024. Colonel Wedgwood, you have been kind enough to put on a note of the evidence which you desire to give. Would you like to add to it or make any corrections at this stage?—I should like to make a statement on it, amplifying it in certain particulars. Nearly all I want, but I want it very much indeed, is a paragraph in the report running something as follows: "We think that the constructive proposals put before us by Mr. Wedgwood merit further consideration. While, however, many of the changes he suggests are modifications of the White Paper, such as we may rightly judge and determine, their successful operation seems to us to depend on a constitutional change in the Parliament of the United Kingdom upon which we as constituted can pronounce no decision."

The arguments given in favour of this White Paper so far have been twofold: (1) the argument of the Lord President that he was not going to "miss the bus." I think we must realise that "not missing the bus" is a very strong argument. It has always appealed to me, but I do not believe that you can rewrite history, or that there is any bus to catch. All that we can hope for is not friendship, co-operation and gratitude, but all that we can hope for is, in the long run, mutual respect. We missed the bus in Ireland, and we realise it. We missed the bus in South Africa. For 10 years the South African Government has based itself on its anti-English propaganda. We missed the bus in Egypt, and we shall certainly miss it in Palestine if we give a constitution to the Arabs there. There is something worse than missing the bus, and that is handing over helpless people, not to themselves but to others worse than ourselves. For instance, we should not dream of handing over Tanganyika to Hitler's Government. We should not dream of handing over Cyprus to Greece, having regard to the fact that one-fifth of the population are Muhammadans, and that when Crete was handed over to Greece the Muhammadans, although they pathetically asked to be allowed to become Christians and remain in their native land, were deported all the same. The Dominion Office has completely given up any idea of handing

over Basutoland and Zululand and Swaziland to the South African Government, but in South Africa itself I should like the Committee to observe what has happened through handing over helpless people to others worse than ourselves. As the *causa causans* of the whole of this evidence I am giving to-day comes from South Africa, perhaps you will forgive me if I just explain why. There is no part of the civilised world to-day where the coloured man is more unhappy, and has less chance of justice, than in South Africa. Three years ago an American missionary in Johannesburg got me to address a meeting of Indian and native coloured people in Johannesburg, a small educated handful, and I gave them the most hopeful address I could, and at the end one old missionary got up at the back of the hall and said: "You say that you are not responsible for what we suffer from in South Africa. Who was it who gave South Africa a Constitution and forgot the poor?" I had no answer, and you have got no answer. But I do not want to repeat it. We gave them no safeguards, and we gave them no vote. As long as I am able to, I will stop that happening in India. Then the next argument that has been used is that we promised them Dominion status. In that case, offer them that translation of those words which we believe to be best for all Indians; not one which buys the consent of each caste and interest to a constitution these do not want, except with safeguards repugnant to justice, our experience and common sense. Put such a translation forward, for them to accept or refuse as in Ceylon. The Committee knows perfectly well that Lord Donoughmore's Committee reported a constitution for Ceylon. That was not forced upon the people of Ceylon. They were asked to accept it or not as they chose. They disliked it and would not have it for a long time. Finally they accepted it, and I do not think you have any right to force a constitution upon India they do not want and do not like. Do what you think best, and then let them take it or leave it as they like.

Those two arguments are used in favour of this White Paper. My chief objection to the White Paper is its finality. Any further reform depends not upon the Houses of Parliament, not

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upon England, but upon the new Assembly which you are setting up. We abdicate our responsibility to a narrow oligarchy. All repression of the unenfranchised depends on them; all hope for the rights of common Indians depends on them—men and women, ryot and town worker, miner and outcast; justice for them depends no longer upon us but upon the new Assembly we set up, and any reform such as the Great Reform Bill of 1832 depends not upon us but upon the Assembly you are setting up. We reserve safeguards for the Services, for finance, for all religions (except Communism of course); Parliament, by question and debate, may still step in on those property issues, but there are no safeguards for the poor, not even the vote; and for them we abdicate. To whom do we surrender our powers? The Princes, who are absolute rulers, many of whom survive only on our bayonets, who have no experience of governing in democratic fashion, by training and heredity completely alien to the views felt and expressed by all parties in this country. They have made no advance towards democracy except in happy cases where they have set up representative institutions though not responsible. They contribute nothing to the "federation," neither revenue, nor authority, nor liabilities. They are not subject to taxation. They represent only themselves. There is no precedent on earth for a federation on those lines where some parties to the federation are completely independent of the administration into which they enter. Then comes the really serious part. These Princes were brought into the Federation, not as the Simon Commission intended as fellow self-governing units; they were brought in to make the centre Conservative and pro-English. But the Conservatism of the Princes of India is not the Conservatism of this country. They will not remain pro-English except at a price that we shall increasingly be unable to pay with honour. I mean by that that a Government dependent upon the votes in the Assembly and in the Senior House, dependent on the votes of those Princes, must necessarily concede to those Princes powers and opportunities which would not be granted to them if we were not dependent upon their good will. As soon as this Parliament and the India Office cease to have power and transfer that power to the new Government and the new Assembly it

is inevitable that the loyalty of those Princes and their desire to get their way will shift their loyalty from a loyalty to the British Crown to a loyalty to the new power, the new star in India. I have not the slightest doubt that they will all come in, and that any hope of stopping this scheme by assuming that the Princes will not come in is sure to end in failure. They will all come in because once they are in they will be the power and the Government of the whole of British India. Then pass from the Princes to the next element in your new Assembly in India, the communities. Who are chosen by those Communal electorates? The people who are chosen are obviously those who have responsibility to the people who elect them. Now we in this country represent all communities. We represent places in which live all communities. We have a responsibility whatever our political party may be to all our electors. But the communal member has a responsibility only to his community. His indifference to the interests of the whole must make him an inferior representative to an English Member of Parliament, or to the Members who represent the general community. What politics or propaganda must be used by the communal leaders? Obviously hatred of the other communities and an insistence on the points of difference from the other communities must be the mainspring of their political action. They will be judged by whether they have manfully stood up for any of the religions. Honourable Members of this Committee can perfectly well understand what would happen in this country if we had communal representation for Catholics and Jews. If we had communal representation for Catholics we should, I have no doubt, get the best Catholics and the best Jews in; the prominent religious leaders and the best emphatic laymen. But would that make a better House of Commons? Would that make a more tolerant House of Commons? Is it not perfectly obvious that if you have in each of our constituencies some Catholics or some Jews, the representative of that constituency will be more moderate in his views, and more careful in expressing them than if he represents solely one community and can antagonise, to any extent, the people in the other communities. It is perfectly well recognised in this country that the best security for minorities is to have a few votes in every

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constituency, and there is not a Member of this Committee, apart from the delegates, who would dream of going for communal electorates in this country, or who does not know that it is a mistake to impose communal electorates on India (possibly except Lord Winterton; he is not here). Why is communal representation asked for? I shall be contradicted on this, but, in my opinion, communal representation is asked for because the leaders of the communities are afraid of responsible Government and do not want it, and hope to stop it, to make it impossible. I might give the Committee the illustration of the famous Egyptian Treaty which was negotiated by the Labour Government. You remember Mahmoud Pasha wanted a holiday and came over here, and he went to see the Foreign Office, and the Foreign Office were delighted to take the opportunity of settling up our difficulties with Egypt. Mr. Arthur Henderson suggested that Mahmoud Pasha should state a solution of the difficulties with Egypt, so that we might get that out of the way. The last thing Mahmoud Pasha wanted to do was to get the grievance out of the way, and drafted a Treaty, and he was horrified when it was accepted. The result was that the Treaty was not accepted when it got to Egypt, and Mahmoud Pasha lost his job as Prime Minister. There are a great many politicians in this country who would be bitterly disappointed if their grievances were removed, and a solution found. One has only to watch the faces of tariff reformers when they are getting it, to see that. A grievance is a much more useful political weapon than a solution of that grievance, and it is a much better method of keeping party solidarity too. So that the arguments in favour of communal representation are, roughly speaking, that it provides certain seats for certain people, and jobs for the supporters of that community. In fact, in India under the Communal representation they have had, you may say that most posts are now decided, whether it be posts of importance or posts of unimportance, not by works, but by faith. There is another argument. This is a concession, this is a step in favour of representation in democracy by parties and not by places. They have had it in Germany, and I ask you to observe what has happened to democracy in Germany where parties were represented, where there were no members for any con-

stituency, but merely members in a party list, because the constituencies and the people of Germany had not the slightest interest in any single member of that Reichstag. Their interest in democracy was non-existent, and it was easy to smash it. You would find it more difficult to smash it in this country because our constituents would dislike being deprived of a grievance channel to the Government, but where people in Parliament represent solely a Labour Party, or a Conservative Party, or a Liberal Party, the constituent has no interest in preserving that sort of system. In Ceylon you have an admirable example of how you can get on without Communal representation. There are more communities, and the communities are more bitterly divided in Ceylon than they are in India. There is the Tamil, the Indian in Ceylon who considers himself to be the more virile and the more intelligent part of the population, a creed which is contested by the rest of the inhabitants of Ceylon, of course. There are the Muhammadans, the Burghers of Dutch descent. There are the two brands of Cingalese, the Cingalee of the low country and the up country Cingalese. All of them were clamouring five years ago for Communal representation. The Kandian, who is in position and type very similar to the Muhammadan in Egypt, was the most vocal in determining that he would have Communal representation, as the only safeguard for his minority. Lord Donoughmore and his Committee went out there, and they made in their Report the strongest possible case, not for Communal representation but for the common roll. It was accepted by the Colonial Office, and that part of their Report was accepted by the people of Ceylon. They have got a common roll there, but the only safeguard provided for in the Report was that minorities should have two votes and the Muhammadan, the Burgher, the Englishman in Ceylon, have two votes, a vote on the common roll, and an additional vote for their own community which is represented by the election of that community. That seems to me to be a much juster way too. There you have a common roll, including Tamil, Cingalese, Muhammadan and Burgher, bitterly opposed peoples, but all uniting in being elected. I would ask the Committee to observe that the

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Indians in East Africa for the last ten years have been determinedly fighting against Communal electorates, both Muhammadan and Hindu. The one thing on which they have been solid was that they were not going into a constitution in Kenya which should leave the Indians voting on an Indian roll and the Europeans voting on a European roll. So strongly did they feel on it that they have never up to the last year or two elected people. They have refused the representation given to them. I remember one of the English settlers putting the English view to me—an English settler's view—completely. I said: "There will only be a few on the roll. What I want is that the man who wants to be elected shall go to the elector and say 'Will you give me a vote?' Go to the Indian and say 'Give me a vote,'" and he said "Yes, and that is what we will never do," and that is what these Muhammadans and Hindus will never do unless we put it in the constitution. If you want to break down caste and divisions, put the elected in the position of having to ask all electors for a vote, and then he will not draw these fine distinctions between one form of worship and another. Take the Kaffir opposition to Communal representation in South Africa. Seventy years ago under a more enlightened Government we established a constitution in Cape Colony which gave the coloured people the vote on a common but narrow franchise. We gave them the vote in the common roll so that a white man had to go to a black man and ask for his support; that is one of the finest things we have done in our history. It was in 1855. Now they are trying to take the vote away from them. General Hertzog is trying to establish in South Africa a Communal franchise like this for the same reason. And the natives in South Africa are offered the opportunity of voting not only in Cape Colony, but Natal, the Orange Free State, and the Transvaal as well, so long as they will vote on a communal roll (of course, only for white people, but a communal roll). The natives of South Africa to their greater glory refused to have a larger representation on a communal roll. They refused it and they have no votes at all in the Transvaal, solely because they said, "We would sooner keep a few votes on a common roll which draws no

class distinction between two races rather than be given invidious representation on a special communal roll for black people." They have not been beaten yet, and at any rate the English system still endures of representation of even coloured people on the same common roll as Europeans in South Africa. They know. The Indians in Kenya and the natives in South Africa know best where the shoe pinches. They know best the value of being on an equality with all other people so far as the franchise is concerned, rather than being put into the inferior category of communal representation. As with the Princes, directly we abdicate and have no more to give, all the community leaders will look to the new power. Unity between Hindu and Moslem is only possible against England and hatred of England will join all the other hates to distract attention from economic questions and the mistakes of the new National Government.

Then the Hindu elected members. We have dealt with the Princes and the community representation. Let us get down to the last 105 in that assembly of 250. The Hindu elected members, except from the South, will be just another community as bitter against all the others; as narrow; uniting only against the old masters; and also richer, or with the richest party behind them. Riches count enormously in India, where you have enormous constituencies. Here where we are accustomed to being elected for £300 or something of that sort we do not appreciate what it costs to stand for an Indian constituency, the size of Yorkshire, whether on a communal basis or whether on a common roll basis. These gigantic constituencies are another insurance for the rich that the rich alone will sit in the assembly. Then there is the question of these reserved seats. Dr. Ambedkar believes in reserved seats. I do not. Have you considered what these reserved seats mean? It means making every constituency in Madras, say, three times the size it would be otherwise. It is overgrown, anyway. You make a constituency to return three members and you say one of those members must be a member of the Depressed Classes—I mean of the Scheduled Castes, they are called now. One of them must be that or some other form of minority vote. They had a beautiful system like that in Palestine. There is a local government in Palestine, and Jerusalem consists roughly speaking of 50 per cent. Moslem, 40 per cent. Jew,

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and 30 per cent. Christian, so they invented a delightful new system of representation. They said: As the population is, so shall the representation be; and of the, say, ten seats for the Jerusalem Council, five have to be filled by Moslems, four have to be filled by Jews, and three have to be filled by Christians. They allow each community to choose whom they will put forward, merely stating that they must have 5, 4 or 3 members. They cannot have more and cannot have less. But that when it comes to the election there shall be one roll. There is community nomination and a common roll electorate, getting round all the difficulties delightfully. When this scheme was first brought forward at the first election, the Jews, having more intelligence than the others, said: "In that case we will only put forward four candidates, and we shall be able to vote for the moderate Muslims and for the moderate Christians, and keep the Extremists out," and they did. The Muslims put forward ten candidates; the Christians put forward six; the more moderate Muslims got elected by Jew votes; and the more moderate Christians got elected by Jew votes. That was all very well for the first election, but, at the second election, the other communities tumbled to the same difficulty, and they all put up on their communal nomination exactly the right number to fill the seats, and there is now no election on the common roll, because all are elected unopposed by the communities. That is why in this White Paper you will find it stipulated that the Depressed Classes must put up at least four candidates for one seat.

Mr. Joshi.] Not more than four?

Marquess of Salisbury.

1026. They have to put up at least four?—I think they have to put at least four, but I have forgotten now; it is in the White Paper. I think the idea is that if they put up four, then the electorate which is not a depressed electorate but a general electorate, enfranchised on a property basis, will be able to select amongst these four which is the most moderate, and they will; and the man who is elected, not by the Depressed Classes, but by the common electorate, will obviously be responsible to those who elect him and not to those who nominate

him. Your safeguard may be a safeguard for the first election, but after that everybody who is elected will look to his electors at the next election, and will consider their views and will base his action in the Assembly not on those who nominate him, but on those who elect him to the Assembly. You will notice in the White Paper that no arrangements are made for electing the Labour people at all, neither by reserved seats nor by anything else; no doubt they will be selected properly. Then I come to the Electorate: How are these people elected? Only by the richer 2½ per cent. of the community; therefore, they have no responsibility to the 97½ per cent. who are not electors or who are not so rich as the other electors. If the House of Commons were elected like that, none of you would be there; I should be there; but all the Conservative members elected under a limited franchise like that would have very different views; as it is, they are not so bad. There is a good deal to be said for a Conservative member who has got a large working-class electorate, but if all of us were only elected by the upper middle-class and a certain sprinkling of the lower middle-class, our views inevitably in the House of Commons would be very different. It is not merely that you rule out of a chance of a seat in the House of Commons certain people, but that you modify the views of those who are there, if your Electorate is limited to a small class. If you take the pre-Reform House of Commons, which did reform itself; remember that reformed House had many electors who were of the lower middle-class and even working-class; it was not necessarily confined to the well-to-do people. For instance, at Preston every householder had a vote, and in many of the other boroughs the franchise was fairly wide and, actually, after the Reform Bill it was reduced. By the limitations of the franchise in the Reform Bill the Electorate was reduced. You have not got there in that body which reformed itself a rigid line drawn on a property basis between those who should have votes and those who have not; and, therefore, it was possible—possible, I may add, by considerable rioting and threat of violence—to get that Parliament reformed. Here you have no chance at all; and I would point out that the provincial Councils in India are now elected on precisely this narrow franchise—it is going to be widened under the

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White Paper—but those Councils at present are elected under this franchise representing only 2½ per cent. the richest. Elected on such a franchise to the Councils, the Indian politicians have in 10 years since they have had power done little or nothing for the voteless, for the ryot, for the factory worker or the mine worker, for the widows, for children, for animals or for outcasts—not even for education. We had the grace to educate our masters when they got the vote. Elected on such a franchise, we in this House of Commons could not do much better. All depends upon your responsibility to the Electorate, and with such a franchise revolution or communism must be the only hope for the working-class. Now what would be the policy of such an Assembly? Fear of losing their popular appeal and of the charge of not protecting properly the privileges of their community, the fear of losing money or power, or, which is the same thing, fear of the voteless and of communism. Fear is by far the most potent force in politics, and this double fear must lead to excessive religion, emphasising all points of religious differences, preserving every cruel custom, perpetuating “Mother India”; and, next, it must lead to excessive nationalism, isolationism, the one common ground on which all politicians can agree, and all directed against England. Finally, it must put the blame for all that fails on England or on the British officials. A Parliament elected like that is not the sort of Parliament to which we, who have had more experience, and who have seen how the Legislative Councils themselves have done nothing, could give our support or to which we could entrust the people of India.

Chairman.

1027. Would it be convenient that we should examine you upon that now Colonel Wedgwood?—Certainly. The sort of thing I was thinking of was 10 members for the Indian States. Ten Indian States would come in under the proposals I have made here, that is to say, there would not be more than 10 Indian States who would have representative institutions and/or a Civil List. About 40 members I was thinking of as nominated representatives of communities—nominated, you will observe; about 30 representatives of the British Houses of Parliament; about 70 indirectly elected by

the Legislative Councils and 10 British officials from India. That was the sort of Assembly I should like to see, with no paper safeguards, relying upon the presence of English Members of Parliament in the Assembly to preserve all those items which are mentioned in the safeguards, and at the same time to preserve the good old Liberal traditions of English Government.

Mr. Butler.

1028. Might I ask the Witness to develop his point with regard to a large temporary British nominated element in the Houses of Parliament. Does he propose that 30 British M.P.'s elected by constituents in this country should proceed to India and become members of the Central Legislature?—What I propose is that 15 members of the House of Commons and 15 members of the House of Lords should go over from here for the Indian Session, which does not exceed two months, and be replaced here by Indian members of the Legislative Councils.

1029. Take the elected element of 15 Members of Parliament: to whom would the 15 Members of Parliament be responsible?—To the House of Commons, which elected them.

1030. And to their constituents?—No. They would be selected by the House of Commons, and, therefore, they would be responsible to the House of Commons, and indirectly, therefore, to the whole people of England.

1031. Not to their own constituents?—Not to their own constituents.

1032. There would, therefore, be a form of indirect election?—Exactly; the whole of the body would be indirectly elected.

1033. What would happen if the period of the Indian Legislature did not coincide with the period of Parliament which elected them?—What I was considering was that they would be elected for the period of the Indian Assembly, and, in the same way, the Indians sitting over here would be elected for the period of the English Parliament to which they happened to be elected; that is to say, a General Election either in India or in England would terminate the representation of the Indians in England and the English in India.

1034. I understand that these Members of Parliament would not be directly

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responsible to their own constituents?—No.

1035. May I refer to another point that you have made? You have referred to the futility of six Labour M.L.As. May I refer you also to the White Paper? Do you not see there will be 10 Labour representatives in the Central Assembly? It is on page 90, Appendix II?—Yes, I beg your pardon. That must be a misprint.

1036. Do you not think that that would be a distinct increase on anything that Labour has ever had in the Central Assembly?—Utterly useless. What is the use of nominated members? I am Labour, because my electorate is Labour. We all consider the views of those who elect us; we are bound to. Mr. Joshi is a nominated member; he may be all right.

Sir Austen Chamberlain.

1037. You have just explained something which has puzzled a great many of us in the House of Commons for a long time, Colonel Wedgwood?—What I want to emphasise is that the views of a member in every representative Assembly depend upon his electors more than anything else.

Mr. Butler.

1038. If you refer to page 93 of the White Paper, you will see that in the Provinces also there is to be a very large increase in the Labour representation. Do you, therefore, not agree that there would be improved arrangements for the representation of Labour in the White Paper?—I do not think it matters whether there are 10 or 20 Labour representatives or one Labour representative in the Assembly; so long as they are in a permanent minority, they cannot hope to convince the others who have no labour electors in their constituencies.

1039. Do you not think it would be an improvement upon previous conditions?—It would allow Labour views to be expressed in Parliament, but what on earth is the use of allowing Labour views to be expressed in Parliament if they have no cogency to the other people who are listening to the speech?

1040. You have referred in your evidence to a further decentralisation from a district Board to the village Council. Are you aware that at the present time

there are only 11,770 village punchayets, or local councils, out of 458,000 Indian villages?—Perfectly.

1041. Do you realise that they have been as much encouraged as is possible hitherto by the Administration, and do you think that that is a good augury for the future? I am speaking of village councils?—I should not say they have been encouraged. I think they ought to have been encouraged more there. It is no good talking of encouraging with polite words the village council unless you give it some powers. The village councils have no powers at present to tax themselves and no power over education. Encouragement does depend upon giving people something to do with their new organisation.

1042. I need not necessarily be taken to agree with you that they have not been encouraged, but I think you will agree with me that it shows that so far there is no great incentive to developing India upon the basis of the village council, upon the figures?—I think the only way really to start the village councils going would be to see what powers you might wisely decentralise to both district boards and village councils. I think myself that the only way to teach self-government is that people should see the results both of their mistakes and of the money they pay in taxes.

Viscount Burnham.

1043. Colonel Wedgwood, talking of decentralisation, you have said: "First things first, and teach self-government from the bottom." That you contend has not been done—My Lord Chairman, might I ask that I should not be cross-examined on my proposals for the Provinces now, but should deal solely with the Centre? I beg your pardon, my Lord.

1044. Not at all. Under the general headline of "Fewer Safeguards," you have said, "Paper safeguards safeguard nothing, except irresponsible politicians who can leave it to someone else to shoulder unpopularity. The best safeguard is to have M.L.As., who risk abolishing themselves," and you quote in confirmation the loyalty of Tory Members of Parliament in the Division Lobby when threatened with a General Election?—We know that it is the fear of a General Election that keeps all Members straight.

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1045. With regard to safeguards, you are in favour of diminishing those which are contained in the White Paper. You do not say abolish them all?—I should like to have the safeguard of an adequate representation of British public opinion in the Indian Assembly rather than depend upon paper safeguards which may form a source of perpetual trouble and will get the English administration saddled with the blame for everything that goes wrong.

Marquess of Salisbury.

1046. Colonel Wedgwood, I only want to clear up a little confusion about these reserved seats which arose during your address. I refer to Appendix II of the White Paper, and I think it will be found as follows: "All members of the Depressed Classes registered in the general electoral roll of a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats by the method of the single vote, and the four persons getting the highest number of votes in such primary election will be the only candidates for election by the general electorate qualified for the reserved seat." Therefore, it is not either "more than four" or "not less than four" but actually four. I understand your argument to be that where the general electorate has to choose between four candidates who have been nominated by the depressed classes, the one of the four who is elected will owe his position to the general electorate and will be responsible to them, and, therefore, his tendency will be not to represent the depressed classes but to represent the general electorate who selected him as one of the four?—That is it, exactly.

1047. I only wanted to get it quite clear?—Yes. That is much clearer than I put it.

1048. So, as I understand it, your argument is that under that principle there will be really no representation of the depressed classes at all. Is that the conclusion? Do not let me put words into your mouth. I want you to explain to the Committee exactly what you think?—There would be representation of their views in speeches, but, you know, so much is done in Parliament not by speeches, and not even by votes. It is inevitable that elected like that a man

should become more accommodating to the views of the people who elect him. I will not go further than that. You can say you will get more "Jimmy" Thomas's and fewer Maxton's elected.

Lord Hutchison of Montrose.

1049. I would like to ask Colonel Wedgwood a question on the subject of the Princes and Federation. I take it that your view is that the Princes, owing to their autocratic powers and their status, are unsuited to come in along with democratic elected individuals and form a Central Government?—Yes.

Mr. Cocks.

1050. I gather that your objection to the White Paper scheme is, in a nutshell, that you are handing over the great mass of the people of India to a small minority of rich politicians?—That is it.

1051. Your experience of 28 years in the House of Commons has taught you to distrust that type?—Yes.

1052. Generally speaking, if the proposals of the White Paper are adopted, would you think it would improve the proposal or safeguard the great mass of the Indian people if the electorate were larger?—I think the proposals of the White Paper are reactionary.

1053. Would your objections be modified if the electorate were enlarged on the proposals in the White Paper?—Yes, certainly.

1054. What sort of electorate would you propose?—Nothing would satisfy me at the Centre as an alternative to adult suffrage. Unless you have adult suffrage at the Centre, and, indirectly, adult suffrage in the Provinces, I do not think you can get anything that is satisfactory or would justify us in surrendering our responsibility.

1055. How would you get rid of your objections to the gigantic constituencies of the size of Yorkshire?—I propose in my scheme indirect election, and it is because I do not think it is possible to get an Assembly large enough to have constituencies such as we have here for a country of 360,000,000 people, or, without the Indian States, 280,000,000. I am asking for more decentralisation from the Central Government, and, therefore, I am centring my hopes of the future on the Provincial Councils. I would give the Provincial Councils control over many of

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the items at present reserved for the Centre. I have mentioned them in my evidence. Then for the Provincial Councils I would have the same franchise, at any rate, as they have in Ceylon, and if the constituencies were not triple constituencies with reserved seats, if it was, as in Ceylon, a common roll, then the electoral districts would not be or need not be materially larger than our own electoral constituencies. If you get rid of the communal representation, and if you get the adult suffrage for the Provinces, you could work it exactly as they work it in Ceylon or, indeed, as they work it in Burma. Burma has been under India but with a much larger and wider franchise, a franchise that always included women. That has worked all right, although the constituencies have a large number of electors; they are larger than ours; it works all right in Burma, and what is good enough for Burma and Ceylon, seems to me to be good enough for a higher educated electorate in Madras.

Major Attlee.

1056. Colonel Wedgwood, I do not want to go into detail on the question of the communal electorates. I gather that your point is that you want anyone who is elected to have to appeal to the votes of a community other than his own?—Yes, precisely.

1057. The difficulty I suggest is this, that either one community, the majority community, will not select representatives from another community at all, or that, if they do select those representatives, those representatives will be, from the point of view of the community to which they belong, bad communal people?—Or they will become so, inevitably.

1058. Now the suggestion with regard to the Depressed Classes, as I understand it, is this, that the Depressed Classes should elect a number of persons who should be, from the point of view of the community, sound; that then those persons should go before a Common Roll and be elected. You suggest that they will be the "prisoners" of the other community. Is that so?—Yes, quite.

1059. But, surely, are you not contradictory, because your point was, as I understood it at first, that you do not want the poor communalist returned, but you want the communalist to have to look to the other communities and, therefore, moderate his communalism?—Quite true.

That is the real reason why it is no use arguing on a limited suffrage. As long as you have got a limited suffrage, you can see there are hundreds of arguments in favour of communal representation or Depressed Classes representation. Do away with your limited franchise and you will get the Depressed Classes represented, just as you and I are.

1060. I agree with you there for the sake of argument, anyway; probably altogether; but let us take it on a wide franchise. What I want to get is this: You want to ensure, do you not, that you shall get a genuine representation of all classes?—Yes, on a common roll, on the lines of Edmund Burke's Declaration to the Bristol Electors.

1061. You would prefer that India should be divided on genuinely political or economic issues rather than purely communal. Is not that so?—I would sooner have localities represented rather than parties or communities. I think you would get better Government and less bitterness if you represent places rather than representing parties.

1062. Agreed, but when you have got the people represented by localities in a Legislative Council, would not you prefer that the division in that Legislative Council should be not between parties of Moslems and Hindus or Sikhs, but between parties of various communities holding either different political or economic views?—The whole basis of this communal representation is to prevent the economic differences having their fair weight in politics. It is to dope the working classes with the idea that they are enemies of the Hindus or the Muhammadans instead of allowing the more gradual development of economic politics that we have had in this country.

1063. If the method adopted as suggested for the Depressed Classes were adopted generally so that communities would pass, so to speak, candidates of various political views as sound from the communal point of view, so that you would get rid of that issue and that then they would come before a general electorate, would not you then get a possibility of forming parties on economic or political lines consisting of people belonging to various communities?—Yes; that is what they aimed at at Jerusalem, but they failed to stipulate that more candidates should be put up than there were seats for.

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1064. As regards representation, you would get over your difficulty, would you not, if you had a very wide franchise? You ought to be able to get Labour representatives returned from certain industrial areas without any reservation if you had a wide franchise, say, Calcutta or Bombay?—I have not proposed here for the Centre anything but nomination for the working classes. The White Paper does not propose any method at all of getting representation of Labour. What I am afraid of, of course, is that they will take what you might call the tame Trade Unions and ask them to nominate; anything to exclude any taint of Communism from the Assembly, and I take it that the real difficulty why it is not in the White Paper is because people have not made up their minds as to the best way of getting safe Labour Members.

1065. If you had indirect election from Provincial Councils in the areas where there is any large degree of industrialization, you should get some Labour representatives returned to the Centre, should you not—Bombay, for instance?—You mean if you took Ahmedabad by itself and said, “We will elect a member for Ahmedabad itself from the working class in Ahmedabad.”

1066. On a wide franchise you might get an adequate number of Labour representatives getting a sufficient quota to return someone by indirect election to the centre, if that were the method employed?—If you had something in the nature of adult franchise for the Councils and then from the Councils elected your members of the Assembly, by proportional representation, then you would obviously get some of the Labour Members who had been elected to the Provincial Council, elected to the Assembly.

1067. That, in fact, was the Simon Commission's suggestion, was it not? You would say that the important thing was not merely having a certain number of persons labelled as Labour, but the fact that Labour voters would influence candidates of another colour. Is that your point?—That is the strong point. As you know, you are frightfully influenced by your Catholic vote, and so am I. On the other hand, there are many Conservative Members who are very strongly affected by their Labour Vote.

1068. I take it, your general objection to the Centre is that it is overloaded on the side of wealth, property and privilege?—“Overloaded” is hardly a strong enough work to express it.

1069. I leave you to add the strength?—I have done my best to express what I think here. It is the most extraordinarily reactionary Constitution that has even been put forward in this country. Lord Durham's scheme in Canada a hundred years ago is as different as chalk is from cheese from this thing.

Miss Pickford.

1070. Colonel Wedgwood, I must apologize for not having heard the whole of your evidence and cross-examination. Therefore, perhaps, I may put to you things that have been put before; in your criticism of the Centre you say that only the richer 2½ per cent. will be enfranchised for the Central Legislature and the richer 15 per cent. will elect for the Provinces. Are you aware that the White Paper proposals follow those of the Lothian Commission in general, with some differences over the women's electorate?—Quite.

1071. May I draw your attention to a paragraph in the Lothian Commission's Report and ask you if you would agree with that? It is paragraph 67, page 34, of the Franchise Committee Report. At the end of the paragraph it is there pointed out that the 15 per cent. is of the total population, including all the infants under 21; and I think you would agree that it is not customary in any Constitution to enfranchise people who are under age and that, therefore, instead of being 15 per cent., it really enfranchises 30 per cent. of the adult population, 43 per cent. of the adult men, and under the Lothian Commission's proposals 10 per cent. of the adult women—slightly less under the White Paper proposals. Do you think, Colonel Wedgwood, that it is quite accurate to say that only the rich 15 per cent. elect?—The richer 15 per cent. elect. You may say that it is the richer 30 per cent. who elect if you include adult population only, but it is the richer in every case.

The Marquess of Salisbury.] What the honourable Lady is reading from is the Provincial Franchise, not the Central Franchise.

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Miss Pickford.] Yes, the 15 per cent. I am now referring to.

The Witness.] I am not dealing to-day with the Provincial question at all. I am dealing with the Central Assembly. The 2½ per cent. richer, if you judge it from the question of adults, would be the 5 per cent. richer.

1072. As a matter of fact, it is nearer 7 per cent. It is over 3 per cent. of the total population and rather more than 6 per cent. of the adult population?—Yes; but if Miss Pickford would just consider what your own electorate would be if it were reduced from the present 50 per cent. of the population to 6 per cent. of the richer of those 50 per cent. I think she would see that you would get only what you may call the residential class and the shopkeepers represented. The working class would be ruled out. My point is that, if you make your limitation a property limitation it would automatically rule out the poorer class and give votes to the richer class. It is true that some of the richer will be less rich than the others, but the line of demarcation is still a property line of demarcation.

1073. Would you agree that under a Federal form of Constitution a very large number of the questions which affect people in their daily lives will be decided by the Provincial Assemblies and not by the Federal Assembly?—Yes, but I wish there were more. They cannot touch higher education, amongst other things; they cannot touch the marriage laws.

1074. You would agree that the larger number of questions will be dealt with in the Provincial Assemblies, and that therefore it is in the Provincial Assemblies that the necessity for a wider basis to your franchise arises?—I am arguing here for more things to be put into the Provincial Assemblies. As the White Paper stands at present, only those things are to be managed by the Provincial Assemblies, plus the Police, that are managed at the present time (there are very few alterations; I forget what they are). But I am more for putting it into the Provincial Councils and taking it out of the Assembly principally because your franchise for the Assembly is so very narrow, whereas under this scheme for the Provincial Councils it would be much wider.

1075. Given that the subjects which affect people in their daily lives are trans-

ferred to the Provincial Assemblies, the necessity for a very wide franchise for the Federal Assembly is not so great. It is not a fair analogy to compare the percentage of electors for the Federal Assembly with the percentage of electors here in this country, because the range of subjects will be very different?—Yes; there is a good deal to be said for that, but it is all an argument in favour of increasing the power of the Provincial Governments and Councils and taking away from the Centre powers which they exercise at the present time; and you will observe that it is precisely the fact that you have a wider franchise in the Councils that makes me urge that the members of the Assembly should be elected by the Councils and not directly elected on this very narrow franchise, as indeed the Simon Commission advocated, you will remember.

1076. Did I understand you to say that you are not dealing with the Provincial Councils this afternoon?—Yes, not this afternoon.

Miss Pickford.] Then I think there will not be very much point in asking questions on the question of the Provincial Councils.

Mr. Morgan Jones.

1077. I found your ideas with regard to Federation unusually lucid. Would you be good enough to tell me whether you are in favour of the principle of Federation in India or not?—I am in favour of Federation when the Indian States have institutions as advanced as the major Provinces.

1078. You will appreciate that the case as stated I believe by the Government is this, that the Indian States have certain treaties between themselves and this country?—Yes.

1079. And that, therefore, nothing can be done that would interfere with those treaties, except by consent?—Quite so.

1080. Therefore the coming of the Indian States into Federation would depend upon their consent to come in?—Exactly.

1081. I gather you take objection to the proposed Federation because there is no precedent for it?—There is no precedent.

1082. You are not always in favour of precedents, before you move politically?—No, but I think this is a bad precedent.

1083. May I ask whether you would not agree that the presence within the same territory of two separate kinds of bodies

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like the States and the Provinces of itself provides a situation without precedent at all?—I have never been able to find out what the advantages of bringing them in were.

1084. Will you forgive me for a moment. Let us get this clear. Do you agree that the situation in India at the moment, where you have Indian States which are autocratic on the one side, and Provinces of British India on the other side—those two existing coterminously—presents us with an entirely unprecedented situation?—I think if you consider an Indian Prince as being a landlord with exceptional powers you will see exactly what the difficulties are. They are not very great for the present.

1085. If you do not mind I would like you to follow my argument. Do you agree that the existence of these two separate entities—States and Provinces—side by side provides us with an entirely unprecedented situation?—Not entirely. In the Malay States you have got exactly the same position. You have Johore exactly in the position of an Indian State, and alongside you have the Federated Malay States, at present under English management.

1086. For all practical purposes I take it you cannot cite any other instance in history where we have tried to provide a Constitution for a country within which there are these two separate elements?—We have had other complications just as serious, you remember, if you take Upper and Lower Canada.

1087. They are not exactly the same, are they? You have here an oligarchy and provinces, one controlled in one way and the other governed in another, and those two separate kinds of government have been accorded the same form of government by federation. If that is an unprecedented situation, does it not follow that the proposal for dealing with the situation must also to some degree be unprecedented?—No, there is no reason for making the proposals at all that I can see.

1088. I started with that point. I understood you to say that you are in favour of a federation?—Only if the partners to the federation bring in an equal shot to the common locker, that is to say, if they have the same freedom, the same constitutional rights as the major provinces.

1089. That is to say, you would take the view that there should be no sort

of change in relation to federating authorities in India until the rulers of the Indian States have seen fit to change the constitution of their own States?—Yes, but I think they would see fit to change them rather quicker if we did not support them—Alwar and Company. I would only take into consideration those places like Mysore and Travancore and a few others where they have something in the nature of representative institutions, so that it should not be importing an Indian Prince to take his seat in the Assembly, but the representatives of that Indian constitution. That is what I have suggested here.

1090. Suppose we took your constitution, and a certain number of States upon which you look with favour were admitted into a Federation, would you regard it as a satisfactory state of things, that in an area like India, with 360,000,000 people, a Federation should exist representing the provinces and a certain number of States, leaving outside that Federation a number of other States?—We have managed up to now all right, and nobody suggests bringing in Nepal and Bhutan.

1091. Up to now there has been no federation?—I think you are asking for difficulties when you ask for Federation.

1092. As compared with a change along the line of the proposals in the White Paper, you would prefer to retain what is a virtual autocracy from the centre?—I would sooner retain what there is at present than retain a Federation which introduces irresponsible Princes.

1093. Would you take that view because you fear that the influence of the Princes would be in the direction of reaction, shall we call it?—Yes; this is the most reactionary course that has been proposed in India in my lifetime.

1094. Please follow my question. You would take that view because in your opinion the coming of the Princes into such a Federation would be the coming of a retrogressive or reactionary force?—I do not follow you.

1095. I will try again. Do you not take the view that it would be harmful to have a Federation in which the monarchical Princes are represented because the coming of such Princes into such a Federation would be the establishment of reaction rather than the establishment of progress?—I am sorry I cannot hear you.

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1096. I take it your view would be this: You object to the establishment of a Federation in which the Princes who are now oligarchs come into the Federation because you fear that the consequence would be that the resultant Federation would be too conservative or reactionary?—That is so.

1097. Do not you feel that just as it is possible for the influences of the Princes to be felt on the other part of India, so it would be equally possible for the influence of the other parts of India to be felt by the Princes?—The other parts of India have no influence over the Government of the Princes' States.

1098. No, but you cannot confine ideas within boundaries?—But you can. There is a censorship. Any newspaper editor in India who publishes anything about an Indian State gets sent to jail, broadly speaking. There is a Prince's Protection Bill, or something of that sort, which stops it.

Lieut.-Col. Sir H. *Gidney*.

1099. I would like to ask Colonel Wedgwood a few questions. You stated at the earlier part of your evidence that we must not hand over helpless people to others worse than ourselves. In what way is India worse than yourself?—From my experience of the last ten years in India.

1100. That does not answer my question, Colonel Wedgwood. In what way is India worse than yourself?—Sympathy with the under dog; I think they have less sympathy.

1101. Do you mean to infer that you have a sympathy with the under dog and the Indian has not?—Much less.

1102. In that way he is worse than yourself?—Yes.

1103. Leaving aside the under dog, in what other way is he worse?—That there has been no legislation to remedy any of those evils which have been remedied in this country, but which show no signs of being remedied in India.

1104. Has India ever been given a real opportunity before to exercise such legislative measures?—Yes, you have had an opportunity in your Provincial Councils for the last ten years.

1105. Do you infer that no Provincial Councils have operated their Legislature successfully, Madras, for instance?—Even in Madras—Old Age Pensions, I

suppose, would be a national subject, but there has been so little done for women; they were not even allowed to introduce that Bill. There has been little done for the outcasts. Labour has had strikes and suppressions in Madras, not perhaps so bad as in Bombay.

1106. Is that due to the Indian being worse than yourself, or the Indian Legislature?—Less sympathy for the under dog.

1107. Are you in favour of giving India Dominion status ultimately?—What I am in favour of I have put before you; that is to say, have a Central Government with safeguards in its own constitution, that is to say, by the representation of English in it, and, as soon as the Indians themselves, Muhammadans and Hindus agree, clear out all the temporary and nominated members and get back to a solely directly elected body, not directly elected but elected by the Councils with no alien element in it.

1108. Do you really seriously contemplate the accomplishment of that era in which the Hindu and Moslem would think as one in every way?—No, I do not.

1109. Then do I understand your reply to me to mean that you are not in favour of giving India Dominion status as it has been officially interpreted?—I am in favour of giving it as I interpret that promise, but not as proposed in the White Paper.

1110. Then you would not call that Dominion status?—I do not know what you do mean by "Dominion status." I would say you have Dominion status now.

1111. You drew a comparison between the Labour problem or the Labour representation here and that in India?—Yes.

1112. Do you not think that the difference is mainly due to the absence of adult suffrage in India, and its presence in this country?—Very largely, but, of course, the division between Muhammadan and Hindu is a terrific obstacle in the way of any economic legislation.

1113. Are you aware that in India in the few Labour Unions or Trade Unions that do exist there are no communal differences? If I am wrong Mr. Joshi will correct me?—I know it is a great blessing that Trade Unions are free of it.

1114. Are you aware that Trade Unions to-day are in their kindergarten class, or in their infancy in India? They

19^o Junii, 1933.]Colonel the Right Hon.
JOSIAH C. WEDGEWOOD, D.S.O.

[Continued.]

are not organised properly?—I know they are generally organised for a strike and then are suppressed or collapse.

1115. Do you maintain that equal privileges and education should be given to the Labour class in India as in England?—I think they can only get education when they have the same chances. They were just as bad here before they got the vote and education.

1116. While I agree with you that Communalism or Communal representation is the direct negation of nationalism, are you aware that in New Zealand they have Communal representation in the Commonwealth?—I am quite aware of it, unfortunately.

1117. And there are very few Communal problems exist in that country?—It is a very bad Communal problem. The coloured peoples have a separate electorate and 3 of them are elected. They have not much influence in a Council which consists of 100 members.

1118. In your outline of the composition of the Central Legislature, do you think such a scheme would satisfy the many Communal problems and acute differences of opinion that exist in India to-day, and which seem as if they will exist for a long time to come? Do you think your proposal of a Central Legislature would be a sufficient antidote to those Communal wrangles and hostilities?—No, but I think it would please the vast bulk of the people of India far more than this scheme would. This scheme is a perpetual gulf being dug between the two religions or races, whereas the other thing is not a perpetual bar. I have been very much surprised, because that speech I made in the House of Commons ought to have been received with howls of "Traitor" in all the Press in India. Instead of that they took a very different line.

Mr. N. M. Joshi.

1119. No one read it?—When they have read it (the newspaper editors read it anyway), the pleasantest comment I saw was the other way on.

Lieut.-Col. Sir H. Gidney.

1120. Is that your own opinion, or is it supported by representatives with whom you have discussed this problem? For how long do you advocate this reciprocal representation between Britishers and Indians in their respective Legislatures?—I should like it for ever. In my mind it is the beginning of an Imperial Parliament. Also you know quite well that the real grievance of India is the caste difference between Indians and Europeans and the best way to break that down is that we should have Members of Parliament in your House, and you have Members in ours. There is no secret so great, so powerful as a common unity in an Assembly like Parliament, or over there, to bring people together and to do away with this snobbishness which divides us at present.

1121. Do you seriously think that by the introduction of the Princes into this Federal Government you would be introducing a bad element?—Yes.

1122. Would you be inclined to agree with those in India who think that by introducing the Princes, whose history of loyalty to the Empire is in the main untarnished, you would be giving the strongest leg to the tripod on which the new Federal Government could sit—I mean the strongest Conservative leg?—The Government will be strong enough; you need not bother about that.

1123. Do you think by the introduction of the Princes the Government here can more safely hand over certain responsibility to the Central Government?—I would not hand over responsibility to the body outlined in the White Paper.

Ordered, That this Committee be adjourned to to-morrow at half-past Ten o'clock.

DIE MARTIS, 20° JUNII, 1933

Present:

Lord Archbishop of Canterbury.
 Lord Chancellor.
 Marquess of Salisbury.
 Marquess of Zetland.
 Marquess of Linlithgow.
 Marquess of Reading.
 Earl of Derby.
 Viscount Burnham.
 Lord Ker (Marquess of Lothian).
 Lord Hardinge of Penshurst.
 Lord Irwin.
 Lord Snell.
 Lord Rankeillour.
 Lord Hutchison of Montrose.
 Major Attlee.

Mr. Butler.
 Major Cadogan.
 Sir Austen Chamberlain
 Mr. Cocks.
 Sir Reginald Craddock.
 Mr. Davidson.
 Mr. Isaac Foot.
 Sir Samuel Hoare.
 Mr. Morgan Jones.
 Sir Joseph Nall.
 Lord Eustace Percy.
 Miss Pickford.
 Sir John Wardlaw-Milne.
 Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.
 Nawab Sir Liaquat Hayat-Khan.
 Sir Akbar Hydari.
 Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
 Sir P. Pattani.
 Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

Sir C. P. Ramaswami Aiyar.
 Dr. B. R. Ambedkar.
 Sir Hubert Carr.
 Mr. A. H. Ghuznavi.
 Lt.-Col. Sir H. Gidney.
 Sir Hari Singh Gour.
 Mr. Rangaswami Iyenger.
 Mr. M. R. Jayaker.
 Mr. N. M. Joshi.

Begum Shah Nawaz.
 Sir A. P. Patro.
 Sir Abdur Rahim.
 Sir Tej Bahadur Sapru.
 Dr. Shafa' at Ahmad Khan.
 Sardar Buta Singh.
 Sir N. N. Sircar.
 Sir Purshotamdas Thakurdas.
 Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Sir FRANCIS CHARLES GRIFFITH, C.S.I., O.B.E., Sir CHARLES STEAD, Kt., C.B.E., M.V.O., Sir ROBERT JOHN SHERWOOD DODD, Kt., C.S.I., Mr. EDWARD BURTON LOVELUCK, Mr. EUSTACE ARTHUR CECIL KING, are called in, and examined, as follows.

Chairman.

1124. Sir Francis Griffith, Sir Charles Stead, Sir Robert Dodd, Mr. Loveluck and Mr. King, you are here to speak on behalf of the Indian (Imperial) Police Association?—(Sir *Francis Griffith*.) Yes.

1125. Perhaps we may have records of your services for the Note?—(Sir *Francis Griffith*.) I entered the Indian Police, Bombay, 1898; Superintendent of Police, 1906; Superintendent and Assistant to Inspector-General, 1909; Deputy-Commissioner of Police, C.I.D., Bombay, 1913; Commissioner of Police, 1919; Inspector-General of Police, 1921.—(Sir *Charles Stead*.) I entered the Indian

Police as Assistant Superintendent in 1898; Superintendent, 1906; Principal Police Training School, 1909; C.I.D., 1911; Personal Assistant to Inspector-General, 1914; Assistant Inspector-General of Railway Police, Punjab, 1920; Deputy-Inspector-General, 1924; Officiating Inspector-General of Police, North-West Frontier Province; ditto, Punjab, 1929; confirmed, 1930; retired, 1932.—(Sir *Robert Dodd*.) I entered the Indian Police, United Provinces, 1899; District Superintendent of Police, 1911; Deputy-Inspector-General, 1923; Officiating Inspector-General of Police, 1925; confirmed, 1927.—(Mr. *Loveluck*.) I

20^o Junii, 1933.] Sir FRANCIS CHARLES GRIFFITH, C.S.I., O.B.E., [Continued.
 Sir CHARLES STEAD, Kt., C.B.E., M.V.O., Sir ROBERT SHERWOOD DODD, Kt., C.S.I.,
 Mr. EDWARD BURTON LOVELUCK, and Mr. EUSTACE ARTHUR CECIL KING.

entered the Indian Police in 1902 and served in Madras; District Superintendent, 1911; Acting Principal Police Training School, Vellore, 1912; Principal, Police Training School, Vellore, 1922-23; District Superintendent, Railway Police, 1923-26; retired, 1930.—(Mr. King.) I entered the Indian Police, United Provinces, as Assistant Superintendent, 1908; District Superintendent, 1922. I held charge of the Special Branch, United Provinces, Criminal Investigation Department, 1921-22, and have been Assistant to the Inspector-General of Police, United Provinces, from 1925 to 1933.

1126. The position is that you, Sir Charles, are retired. You, Sir Francis Griffith, are on leave pending retirement; Sir Robert Dodd is on leave pending retirement; Mr. King is on the Active List, and Mr. Loveluck is retired. Is that right?—(Sir Francis Griffith.) Yes.

1127. Is the arrangement, Sir Francis, that you will answer the questions?—The arrangement is that we should all speak.

1128. You have arranged that amongst yourselves?—Yes.

1129. You have put in a Representation which I may say, for the convenience of members and delegates, is numbered 8. Do you wish to extend that statement at this stage?—No.

The Memorandum is as follows:—

REPRESENTATION FROM THE INDIAN (IMPERIAL) POLICE ASSOCIATION.

PART I.—INTRODUCTORY.

This representation has been drawn up by the Indian Police Association, which represents almost all the officers of the Indian Police, both European and Indian, appointed by His Majesty's Secretary of State for India, and is the regular channel through which they are permitted to address His Majesty's Secretary of State on Service questions.

Before we had had an opportunity of examining the White Paper on Indian Constitutional Reform, we submitted to His Majesty's Secretary of State a brief "Memorandum on the Position of the Services under the New Constitution," which we requested him to place before the Joint Select Committee. Examination of the White Paper has now given us a fuller knowledge of the intentions of His Majesty's Government, and has necessitated a further statement of our views. In so far as the dangers that may threaten us under the new Constitution are shared by the members of other services, we have considered them in consultation with the representatives of the European Government Servants' Association, and the safeguards that we agree with that Association in proposing have been set out in the Memorandum which we and they have submitted jointly, to which we fully subscribe in so far as it concerns ourselves. Our present representation is thus devoted less to our own interests as members of one of the All-India Services than to the administrative

problems peculiar to the Police that arise out of the proposal to transfer Law and Order to popular control.

Transfer of Law and Order.

2. We think we must begin by defining our attitude to the question whether Law and Order should be transferred on the general conditions set forth in the White Paper. This question is of greater personal concern to the Police than to the members of any other service in India, and it is vital not only to ourselves but to 187,000 officers and men of the Provincial and Subordinate Police Services, who have no means of making their own voices heard in this country, and who look to us to protect their interests to the best of our ability. Nevertheless, it is not a question on which we can venture an opinion, because—apart from the fact that it is not our place to enter into political controversies—the answer to it must depend on what alternatives are practicable politically, and this is not a matter of which we, as police officers, are qualified to judge. We can only say that the policy of transferring Law and Order, even under safeguards, involves the gravest risks to ourselves, to our men, and to all that we and they stand for, but we are not blind to the advantages of a settlement by agreement which will receive reasonable support in India. It follows that in our present representation we shall confine ourselves to indicating certain respects in which we believe that

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the White Paper fails to provide adequate machinery for the carrying out of its own declared intentions, as regards the prevention of grave menace to peace and tranquillity, and we shall suggest certain improvements that we think must be made in this machinery if it is to function with any chance of success. On such matters we feel that our specialized experience and the fact that we and our men will be "the toads beneath the harrow" will give weight to our opinion. So important do we feel our suggested improvements of the White Paper to be from the police point of view, that, unless the Government are prepared to carry them out, we doubt whether it will be worth their while to retain an Imperial Police service in India, and it might be the best course to wind up the Indian Police, as a service, immediately—a course already favoured, in any case, by a considerable minority among ourselves.

PART II.—ADMINISTRATIVE PROBLEMS.

Importance of Police Efficiency, Impartiality and Contentment.

3. It would be impossible to exaggerate the importance to India of an efficient, contented and impartial police. In no other country in the world are racial and religious differences more numerous, fundamental or acute and nowhere do they more frequently necessitate police intervention to prevent serious breaches of the peace. In India, moreover, except on the land frontiers, cantonments are few and the distances between them are very great. Before the Army can take effective action incalculable mischief may be done. As the Simon Commission said in Paragraph 62 of Volume II of their Report, "deterioration of the police service carried to a point where the loyalty and discipline of even a portion of the force could not be relied upon, might have sudden and widespread consequences of the gravest kind upon the general peace"; and again, as they said in Paragraph 63 of Volume II of their Report, "a reasonably efficient police administration is the condition under which all departments may operate; it is the atmosphere without which the departmental activities of the Province cannot breathe." We do not think that we are going too far, therefore, in saying that *the successful working of almost every proposal in the White Paper—and more—will depend on the efficiency, contentment, and impartiality of the police.*

Consequences of Police Inefficiency or Partiality.

4. The danger will begin, at the very outset, with the elections to the new legislatures which, under the new franchise, will be on an unprecedented scale, and will tax the resources of the police to the utmost. Without an efficient and impartial police to keep order at the polls, elections will become a farce—or result in widespread disturbances. Once elected, the members of the Provincial Legislatures will need the police to protect them, regardless of party, from the attentions of terrorists, unruly mobs, and unconstitutional agitators. Ministries will be unable to govern if the police on whom they will have to rely for information and for the enforcement of their measures are disaffected, or have become the partisans of a hostile party. Trivial sectarian affrays, such as may occur anywhere at any of the religious festivals that are celebrated all over India annually, will develop into orgies of arson and murder, if the police on the spot are themselves infected with the communal virus, or have had their strength cut down below the margin of safety, or hesitate to take strong action at the outset through fear of being sacrificed to popular clamour. Lastly—and most important—if a Governor should ever have to take independent action in the exercise of his special responsibilities, or have to supersede his Ministry if the Constitution breaks down, we, or our successors as the higher officers of the force, will not be able to guarantee that our men will carry out his orders, if they have been allowed to become the plaything of political or communal factions, or have lost confidence in our ability, and that of the Governor, to protect them from the enemies they may make by doing their duty.

Tendencies in Indian Present-day Politics Dangerous to Police Efficiency.

5. The fact that it is of equal importance to all parties in the State to keep the police efficient, and ready to do their duty without fear or favour, does not, however, seem to be generally appreciated by Indians of what is now the Opposition, and will become the governing class. The police are treated not as the servants of the Law and of the public interest, but as the hired bullies of the Government in power, and it is looked upon as legitimate party tactics even for a "moderate" Opposition to harry the Government in power by starving the

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police and trying to break their spirit. As the Simon Commission said in Paragraph 238 of Volume I of their Report, "in most Provinces the police administration has been the target of constant attack, sometimes of a general character but often directed against specific individuals or the handling of particular incidents."

Tendency to Blame Police for Policy of Government.

6. Thus, when the police have had to disperse an unlawful assembly of the opponents of the Government, or to take some other unpopular action in pursuance of the policy of the Government, criticism is directed even more against the police than against the Government; and the strongest pressure is habitually brought on the Government to lessen their own responsibilities by throwing the police to the wolves—regardless of the fact that, if they did so, the police would lose all confidence in authority, and fear to do their plain duty, for any Government. We may be told that this is only because the present Government is "irresponsible," and that, under the new Constitution, such pressure will not be brought, or that if it is brought, "responsible" Ministers will resist it as effectively as the present Government has done. We ourselves may hope so, but the danger cannot be ignored.

Danger of Victimization of Police on every Change of Government.

7. Akin to this danger is the danger that on any change of Government the new party in power may endeavour to victimise the police for carrying out the policy of their predecessors. No other possible result of the transfer of Law and Order is dreaded by the subordinate police more than this, and, although the Act of Indemnity proposed in Paragraph 180 of the White Paper may safeguard them from reprisals for acts done under the present Government, no means of protecting them from victimization for acts done under future "responsible" Governments appears to have been devised.

Unpopularity of Police Budget.

8. Again, police estimates are bitterly attacked. So strong is usually the political opposition to any new expenditure on the police, that even present provincial Governments hesitate to ask for funds for improvements in equipment, the replacement of ruined police stations,

the increases of staff necessitated by changes in population, and other measures essential to the efficiency and contentment of the force. The consequence is that the housing of the police is already a scandal in most Provinces; their transport, communications and appliances are even now out of date, their pecuniary grievances go unredressed, and expansion and development are impossible. The autonomous Governments of the future may realise that an efficient police force is as necessary to democracy as education, but there is little in recent history to indicate that they will take this view. The police may be starved by small degrees and still seem to be adequate to ordinary needs until some slight extra strain causes a sudden but general collapse. We may hope that this will not happen—but again the danger is there.

Interference in Technical Details of Police Organization.

9. Another thing that justifies apprehensions for the future is the readiness of the uniformed politician to plunge into technical questions of departmental organization that British Parliamentary usage would leave to the expert. As the Simon Commission said in Paragraph 292 of Volume I of their Report, "Questions were often directed to details of administration which at Westminster would be left to the directing heads of departments." For instance, a zeal for economy leads to demands for the abolition or drastic reduction of officers of a particular rank, although they may, in our opinion, be essential to the organization of the force and to police efficiency, and although the adverse effect of the proposal on the prospects of officers of lower rank may be very serious and lead to general discontent. In discussing such matters, members of a Legislative Council show little deference to the views of the head of the police—forgetful of the fact that he has been chosen for his position, as specially qualified to deal with them.

Political Interference in Police Discipline.

10. Again, much political pressure is already brought to bear in matters of police discipline. The areas of Provinces may be very large, as also their population and the size of their police forces. But the caste system, the fact that the politician, professional man and the Government servant of the middle class

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are mainly drawn from a comparatively small section of the community, the Indian habit of keeping track of relationships to degrees unknown in western countries, and the strength of family ties which in India take precedence of all others—all contribute to the likelihood that any police inspector or sub-inspector in trouble or wanting promotion or a transfer will be able to pull some political string. When the Minister in charge of Law and Order has to depend on a majority in the Councils, the temptation to him to yield to pressure, in what he will regard as very small matters, will be extremely great. There is nothing more demoralizing to the members of a disciplined body than the knowledge that they have an easy means at their disposal of evading the orders of their own officers by intrigue. Any considerable increase of political interference in police discipline will thus be highly destructive of police efficiency.

Attempts to arouse Caste-Consciousness in the Police.

11. Attempts are also made to alter the communal balance of the force. As matters stand at present "the influence of communal feeling inside the rank and file of the force is strikingly absent," as the Simon Commission found (Paragraph 60 in Volume I of their Report). Care is unobtrusively taken to prevent the undue preponderance of the members of any particular caste or creed in a district police force, but the general balance of castes is purposely left rough, in order to discourage communal consciousness in the force; and in the selection of officers for promotion and for particular duties or posts in the subordinate police no questions of caste or creed are ordinarily allowed to arise. Results have amply justified this system. Of recent years, however, politicians have taken an increasing interest in the question of caste in the police. Communities and castes tend to press for their proportional representation, and to ask for changes in the rules regulating conditions of recruitment, so as to favour the admission of their own members. Allegations of communal bias in postings and promotions are made by means of questions in the Councils. Muslim politicians want to know why the prosecuting staff is so largely Hindu; Hindu politicians why there are so many Muslim Circle Inspectors. Questions are asked as to why an officer of a particular religion has been posted to a particular place and so

on. This tendency has increased since the potential transfer of Law and Order came into view and is likely to become more marked under provincial autonomy. There is thus a danger that under the new Constitution an intercommunal struggle will go on for police appointments, and that communal consciousness will develop in the police. Once let the policeman regard himself as a member of a particular caste or as the representative of a particular community first, and as a policeman second, and the impartiality which the Simon Commission found so striking will be at an end.

Fatal consequences of neglect and injudicious interference.

12. The examples we have given above of ways in which the efficient impartiality and contentment of the force may be undermined are not intended to be exhaustive. We have made no reference to the tactics that would be pursued by an unconstitutional party in the State which tried to destroy the police as a preliminary to a social revolution or to the setting up of a creed or caste domination. We have merely tried to drive home two points—first, that the whole White Paper constitution will be jeopardised if the general morale of the police force falls below a certain level, and, secondly, that the danger of its being forced below that level, not necessarily by any open act or series of acts such as would attract immediate attention, nor even by deliberate intent, but simply by an insidious process of neglect and injudicious interference is very great indeed.

White Paper Safeguards.

13. Against this danger the White Paper offers three main safeguards:—

(a) To prevent nepotism, favouritism and the lowering of standards of recruitment, Public Services Commissions are to be set up under Proposal 199, and Provincial Governments are to be required to consult them on all matters relating to methods of recruitment, on appointments by selection, on promotions, and on transfers from one service to another;

(b) To guard against other methods of destroying the morale of the force, Paragraph 48 provides that the Governor will "bear in mind the close connection between his special

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responsibility for peace and tranquillity and the internal administration of the police";

(c) Under Paragraph 72 and Proposal 183, the Indian Police is to remain and recruitment by the Secretary of State is to continue for at least five years. We propose to discuss each of these safeguards in turn.

Public Services Commissions.

14. As regards (a) it is not clear to what extent Provincial Public Service Commissions will be concerned with the police. They are referred to in Proposal 199 as concerned with the "Provincial" services and in Paragraph 70 the Provincial services are said to "cover the whole field of civil administration of the Provinces in the lower and middle grades." On the other hand, there are three police services in a Province, referred to for political purposes as the "All-India" or "Imperial" Service—our own—which holds all the higher and some of the middle posts; the "Provincial" Service, which holds the remainder of the middle posts; and the "Subordinate" Service, which holds all the lower posts, from inspector downwards. Appointments to the "All-India" Service are made by the Secretary of State, partly by direct recruitment in England and in India, and partly by the promotion of officers from the "Provincial," or middle, Service. Appointments to the "Provincial" Service are made by Local Governments, both by direct appointment and by the promotion of officers from the "Subordinate" Service on the recommendation of the Inspector-General. In the "Subordinate" Service direct appointments are, in most Provinces, made only in two ranks—those of constable and sub-inspector. District Superintendents of Police appoint constables under Section 7 of the Police Act V of 1861, and promote them to the rank of head constable under the same section. Sub-inspectors are appointed by the Inspector-General both from outside candidates and by the promotion of head constables. Inspectors are similarly appointed by the Inspector-General by the promotion of selected sub-inspectors. We presume, though we can find it nowhere specifically stated in the White Paper, that there is no question of bringing the "All-India" Service within the purview of Provincial Public Services Commissions, and we have no objection to the proposal that these Commissions should hold examina-

tions for the appointment of approved outside candidates to the "Provincial," or middle, police service proper. We have also no objection to proposal 200 that Provincial Governments should be required to consult these Commissions in the exercise of their original or appellate powers in disciplinary cases, and in connection with claims by officers that a Government should bear the cost of their defence in legal proceedings; but we do not agree that these Commissions should have any voice in the promotion of officers from the "Subordinate" to the "Provincial" services, and we cannot too strongly emphasize our objection to any proposal to allow a Public Services Commission to deal with the appointment, promotion or discipline of any of the subordinate ranks whose appointment, promotion and punishment are now in departmental hands. Apart from the fact that the subordinate police force in the average major province numbers between twenty-five and thirty thousand men, so that it would be impracticable for a Public Services Commission to regulate their promotions, it is largely by having these matters in our own hands that we maintain our authority; and any transfer of powers to an outside body would destroy much of the advantage that the Government expect to ensue from our remaining at our posts. We are not even in favour of the suggestion that Public Services Commissions should be consulted about methods of recruitment to the subordinate ranks and kindred matters. We have a practical knowledge of our own requirements which Public Services Commissions are unlikely to share. We fear that the natural inclination of these bodies will be towards uniformity of rule for all services, and that they will be guided by principles applicable to the smaller Civil Services which are differently constituted from ours, and will tend to ignore the fact that as a large disciplined body we require separate treatment. In short, in so far as they are designed to assist us in police administration we have no confidence in Public Services Commissions, although we shall indicate later a way in which we think they may be made of use to the Services as a whole. We fear that their intervention in the details of police administration will hamper rather than help us, and we prefer to rely for the prevention of political nepotism and intrigue and kindred abuses on the

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ability of the higher officers of the department to influence the Government in what we believe to be the right direction—in other words, on the White Paper's own safeguard enumerated in Paragraph 13 as (c).

The Governor's responsibility for Police Efficiency to be more clearly defined.

15. Safeguard (b) in Paragraph 13 requires the Governor to bear in mind the close connection between his special responsibility for peace and tranquillity and the internal administration of the police. *But the processes by which the efficiency, impartiality and contentment of the force are likely to be undermined are insidious, as we have tried to show, and the Governor's Instrument of Instructions is apparently to give him no indication of what he is to look out for and on what points he is expected to interfere; nor does the White Paper provide any means by which he is to keep in touch with the police and to ascertain how the measures of the Government are affecting them.* So far as the lower ranks of the force are concerned, therefore, we think it should be clearly laid down in the Instrument of Instructions that the Governor should:—

(1) be readily accessible *in person* to the Inspector-General of Police and Commissioner of Police (in Presidency Towns)—with the knowledge of course of the Minister—and should take frequent opportunities of consulting them on police matters;

(2) that he should secure:—

(a) that no legislation is passed, and that no rules are made, which will diminish the present powers of police officers under existing Police Acts and rules. These Acts give the police their general powers and also their powers to regulate religious and other processions—in India a most important matter—and to keep order in public places, besides covering questions of appointment and punishment. We do not refer here to the powers of the police under the Criminal Procedure Code and Arms Act and other Acts of the Central Legislature, because these will be a matter for the Federal Government. We think, however, that the Instrument of Instructions of the Governor-General should give

similar protection against injudicious interference with them

(b) that the pay, allowance and conditions of service of subordinate police officers already in force are not revised to their disadvantage, and that the pay, allowances and conditions of service of future entrants are not revised in a manner that would encourage corruption or endanger the efficiency and trustworthiness of the force by creating general discontent or by destroying the quality of recruits;

(c) that the strength and armament of the police are kept effective;

(d) that the personnel of any commission that may be appointed to enquire into the conduct of the police or into police questions is such as to command the confidence of the force generally;

(e) that there is no victimization of the police for any acts done in good faith and done or purported to be done in the execution of their duty under any administration.

We also ask that statutory provision should be made requiring the previous sanction of the Governor to the entertainment in any Court of any suit, prosecution, or other legal proceedings in respect of any act alleged to have been committed in the discharge of official duty, not only, as requested in Paragraph 26 (14), against any public servant not removable from his office save by or with the sanction of the local Government or higher authority, but also against any police officer, unless prosecuted under the order of his departmental superior.

But first Protection must be good sense of New Government.

16. The supplementing of the Governor's instructions in this manner will show a Governor unacquainted with the details of Indian police administration more clearly what is implied by the close connection between his responsibility for peace and tranquillity and the internal administration of the police and will strengthen his hands in making that connection a reality. We realize, however, that continual intervention by a Governor in the minor details of police administration would be contrary to the

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spirit of the White Paper and would be inconsistent with a real transfer of responsibility for Law and Order; also that it would not do for an Inspector-General to be continually running to the Governor to help him against a Minister. We recognise that our first line of defence against the undermining of police discipline must be the good sense of the new Government and our own ability to influence them by constitutional means. We have two suggestions therefore to offer, whereby the maintenance of police efficiency will be facilitated without the intervention of the Governor.

The Inspector-General to be a Secretary to Government.

17. The first may appear to authorities concerned with large questions of policy to be a small matter of administrative detail, but having regard to the way in which the machinery of Government in India has been built up and to the modifications that it may be expected to undergo in future, we believe it to be important. The inner circle of every provincial Government consists of the Governor, the Members of his Executive Council, his Ministers, and a group of secretaries and deputy-secretaries who, though they have no personal powers of administration, are the official advisers and mouthpieces of the Government. In all except one Province where he has been made a Secretary to Government, the Inspector-General of Police is outside this circle and the only officially recognized means he has of addressing the Member in charge of Law and Order is by formal letters to a secretary or deputy-secretary. Thus, when the Inspector-General sends up a proposal relating to the internal economy of the police it is noted on by the secretaries and goes backwards and forwards between them and the Member and the Governor, but in the discussions which take place on the proposal the Inspector-General is not entitled to take part. He need not be consulted at any stage of the proceedings and he may hear nothing more about his proposal until he is informed by a secretary that it has been rejected without his knowing why, or who is in fact responsible for the adverse decision. Similarly, Government may and do issue letters or make rules affecting the internal administration of the police without consulting the Inspector-General beforehand, and without his knowing until it is too late for him to object effectively that anything of

the kind has been proposed. Provincial Governments in at least some Provinces recognize the disadvantage of this system and in practice the Inspector-General is often asked to note on Government files in particular cases, but this is merely an unofficial arrangement and there is no reason why Home Ministers in future Governments should continue it. Moreover, as times goes on and the personnel of the secretariats changes, there is a real danger that police problems may be put up to the Government with less understanding than at present. In order to ensure, therefore, that under the new Constitution there shall at least be direct touch in matters of everyday administration between the Home Minister and his Inspector-General of Police, and that if measures damaging to police efficiency are introduced it shall not be because the head of the police has had insufficient opportunity of discussing them with the Minister, we strongly urge that the Inspector-General of Police in every Province should be an *ex-officio* secretary to Government, and that his post should be scheduled as "Inspector-General of Police and Secretary to Government in the Police Department," in the Superior Civil Service Rules made by the Secretary of State. This is not a revolutionary proposal. In at least some Provinces the Chief Engineer of the Irrigation Department and Director of Public Instruction, have been secretaries to Government for many years, and in the Punjab the Inspector-General of Police has recently been given the same position.

Federal Government should have Powers of General Superintendence over Provisional Police, and Federal Inspector-General of Police should be appointed.

18. Our second proposal will be more easily understood by those acquainted with the British police system. We do not know whether it is actually intended that the Federal Government should remain detached from all questions affecting the administration of Provincial police forces except in so far as they are covered by the Criminal Procedure Code, but the White Paper certainly gives us that impression. On the other hand, we do not see how any central Government in India will be able to avoid interesting itself to some extent in police matters which it is apparently intended to leave entirely to Provincial Governments. For instance—to take a small point first—we

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presume that Provinces will continue to exchange prisoners and treasure under police escort, in which case some uniformity of rule about the strength, armament and relief of escorts will have to be enforced. Disputes about such matters will have to be settled, as we are reminded by a recent case in which the Government of India had to intervene to tighten up Provincial rules, in order to prevent a possible repetition of a tragic affair in which an escape of dangerous prisoners from the custody of the police of one Province cost several people their lives in another. More important is the problem of Provincial borders. Crime knows no political boundaries, especially in India, where they do not imply differences of language. The problems of Provincial and State border administration are even now, with Law and Order a reserved subject, among the most difficult that the police have to face. The slightest laxity on one side of a border has repercussions on the other side, and we apprehend that among the early consequences of the step from the present system to complete Provincial autonomy will be a serious increase in border crime unless some co-ordinating authority is set up. Any Province that allowed its police to provide an Alsatia for border criminals would soon be a great trial to its neighbours. The small Province that holds the winter capital of India would be particularly vulnerable in this respect. Similarly there are many criminal tribes under police surveillance in one Province who, when they can escape it, commit their depredations in another. If the United Provinces Police neglect their Bauriahs and Chain Mallahs, Bengal suffers, and so on. There are also numerous gipsy tribes with criminal propensities that wander round Provinces and from one Province to another under police surveillance. Any Province which neglected to watch criminal and wandering tribes or which forced them over their own borders into neighbouring Provinces would cause serious annoyance to the latter. The handling of crime on the railways also requires much inter-Provincial police co-operation. Under the White Paper, apart from negotiation between Governments of Federal units, the only method of settling inter-Provincial police disputes, and of ensuring that Federal units maintain a standard of police administration that will prevent them from becoming a menace to the peace of other units, is by the personal

intervention of the Governor-General and Provincial Governors. But the special powers of Governors are, we understand, intended gradually to die of atrophy, while the need for some form of central control and some unifying influence in police matters will remain, however the Constitution may develop. There also seems to be no need to apply special safeguards to situations in which the responsible Federal Government could itself be given constitutional powers to act. We suggest, therefore, that in the interests of all units of the Federation, as well as of the Federation as a whole, the responsible Federal Government should reserve some powers of general superintendence of police throughout the Federation, and that, to assist it to exercise its responsibilities under this head and to promote liaison between Provincial police forces, a Federal Inspector-Generalship of Police should be created on the model of His Majesty's Inspectorate of Constabulary, with due allowance for the difference in local conditions. We do not suggest that this post should be reserved under the Governor-General, because this would reduce responsibility at the centre and be contrary to the general intentions of the White Paper. The Federal Inspector-General should be under the Federal Government, although his appointment and that of any deputies that may be found necessary to assist him would naturally have to be subject to the Governor-General's approval. The Federal Inspector-General would have no executive or administrative authority in Provincial police matters. His duties would be to inspect Provincial police forces, both himself and by deputy, and to advise the Federal Government in police matters of dispute between Provincial Governments. He would receive and collate criminal and other police statistics, such as the Government of India collect at present and he would publish an annual report covering police administration in the various Provinces, suggesting reforms here and pointing out abuses there, and on this the Federal Government would publish an annual resolution. Any weaknesses in the police administration of Federal units would thus be brought to public notice, and it would be open to Provincial Governments to act upon the Federal Inspector-General's advice without the intervention of the Federal Government. This scheme will have advantages even if the Federal Government is given no direct power to force any course of action on

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Provincial Governments in police matters. Where Provincial Governments are well-intentioned, good will be done simply by the report and the resolution and by advice that will be received from the Federal Inspector-General through the Federal Government. The Federal Inspector-General's advice and reports will also be invaluable to the Governor-General and to Provincial Governors, and will strengthen their hands greatly in taking independent action in the exercise of their special responsibilities for peace and tranquility. But it should be possible, without violating the principles of Provincial autonomy, to give the Federal Government some power to bring financial pressure on a Provincial Government to set its house in order, by earmarking some proportion of the Federal Revenues as a grant-in-aid for police purposes to Federal units, and by giving the Federal Government the power to withdraw this grant-in-aid from units that failed to maintain a satisfactory standard of police administration. Such a provision might well apply, not only to the present Provinces, but also to such Indian States as were willing to accept a grant-in-aid and the attentions of the Federal Inspector General in return for it. The voluntary adherence of Indian States to the general system would increase even the present comparative uniformity of police standards in India. We do not insist on any particular detail of this proposal, but, taken as a whole, we regard it as the most important constructive proposal we have to put forward. It would be a thousand pities to launch a Federal Constitution without providing it with some machinery which will make for unity in police administration. Such crimes as dacoity, which flourishes chiefly on political boundaries and is as great a curse to many parts of India as the Barbary pirates were at one time to the Mediterranean, will never be suppressed without inter-Provincial and inter-State co-operation.

The independence of higher officers of Police in matters of discipline must be maintained.

19. The safeguard enumerated as (c) in paragraph 13, which provides for the continuance of the Indian police as a service and for the continued appointment to it of officers by the Secretary of State, implies that there should not only be an All-India police service in India, but that the members of it should remain in a position to make their presence felt. Unfortunately, it will be very easy for

any Provincial Government that does not appreciate us, but at the same time cannot have us removed, to destroy our usefulness by subordinating us to other authorities. We must in any case be greatly dependent for our effectiveness on the efficiency and impartiality of the judiciary and magistracy, and should there be a serious falling off in the quality of these services, the most we shall be able to do is to hold our men together. But we shall not be able to do even this if our present executive functions are taken away from us and handed over, e.g., to officers of a Provincial Civil Service. In order to understand how easily this can come about, it is necessary to refer briefly to the history of police administration in India. The fact that the exigencies of police work in India require the whole time employment of directly-appointed officers of education and integrity in the higher grades, and that these officers must be masters in their own house, has won only comparatively recent recognition. Before the passing of the Indian Police Act of 1861, the subordinate police were for the most part under no control except that of the magistracy, and even between the passing of that Act, and the appointment of the Indian Police Commission of 1902, the higher officers of the force appointed under that Act were still in many Provinces men of straw and kept in complete subjection to the magistracy, even in matters of internal police administration. It is only during the last thirty years, since the Indian Police began to be manned by officers appointed on the result of a competitive examination in England, that these officers have gradually acquired the right to departmental control of their own police forces—with results that we venture to say are fully apparent to-day. It would not be difficult now for Provincial Governments unobtrusively and gradually to push us back into the old position of our less critically selected predecessors, as simply police assistants to district magistrates, who will now to an ever-increasing extent be Provincial Service officers. There seems to be nothing in the proposals for the new Constitution to prevent our being subordinated in various ways even to local bodies. Should anything of this kind come to pass, we feel that not only will our position be inconsistent with our self-respect, but there will be little object from the point of view of the British Government in our remaining in India. We ask, therefore, that so long as the British Government consider it necessary

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for us to remain in India, the Instrument of Instructions of Governors should contain a special provision requiring them to see that the existing independence of police officers, from the rank of District Superintendent of Police upwards, in matters of internal police administration is maintained, and that their powers of appointing, promoting and punishing their own men are not undermined by giving officers of other departments anything in the shape of superior or concurrent jurisdiction.

Military assistance to the civil power under Provincial Autonomy.

20. An important question arising out of the transfer of Law and Order to autonomous Provincial Governments, and the reservation of defence to the Governor-General, will be how far the present relations between the local Magistrates and Police and Army units stationed within their jurisdictions will be maintained. At present district authorities in places where troops are stationed can obtain military assistance of varying degrees without difficulty, when they apprehend a disturbance, as well as when a disturbance is taking place. Regiments can be asked to stand by, to patrol and to make demonstrations in disturbed areas. We trust that the fact that the Magistracy and Police will now be carrying out the policy of Provincial Governments instead of that of the authority to whom the Army will be responsible, will not make it any more difficult for us to enlist Army support than it is now.

Wound and other extraordinary pensions.

21. It will be very important from the point of view of police efficiency and contentment to ensure that the rules governing the grant of pensions to police officers disabled in the execution of their duty, and to their dependents if they are killed, are not made less liberal than they are now, and are not interpreted in a less liberal spirit. The generous policy that Provincial Governments have followed in deciding claims to extraordinary pensions and gratuities has done much in recent times to develop in the police a spirit of willingness to risk their lives in encounters with criminals and riotous mobs. Any change in this policy will have serious consequences at critical moments. The difficulty in maintaining the policy lies in the fact that the present rules in Chapter XXXVIII of the Civil Service Regulations leave complete discretion in

the matter to Provincial Governments. We think that so far as the subordinate police are concerned, the discretion now reserved to Provincial Governments should be delegated to the Inspector-General of Police, who should have full authority to sanction extraordinary pensions and gratuities within the financial limits now laid down in exactly the same way as he is authorised to sanction ordinary and invalid pensions. As far as we ourselves are concerned, it is not clear whether the clause in Proposal 186 of the White Paper, which requires the consent of the Secretary of State to the award of a pension less than the maximum pension admissible, is intended to apply to extraordinary pensions. We regard it as essential that no pension or gratuity claimed under Chapter XXXVIII of the Civil Service Regulations by an officer appointed by the Secretary of State or by his dependents should be refused without the sanction of the Secretary of State.

Premature Retirement for Indian Officers.

22. Fear of the possible consequences to the police of the transfer of Law and Order is not confined to British officers appointed by the Secretary of State. On the contrary, the apprehensions of British officers are fully shared by numbers of their Indian colleagues and subordinates. We do not regard it as fair, therefore, that whatever conditions of retirement on proportionate pension may ultimately be sanctioned should be applicable only to British officers appointed by the Secretary of State. Equal opportunity of premature retirement should be given to all Indian officers appointed by the Secretary of State and also to officers of the Provincial Police Service, whether European or Indian. In these respects we claim special treatment for the police as distinct from the members of any other Service, because the hostility of the parties most violently opposed to the present system of Government in India is concentrated on the police and because there are many individual police officers who may have cause to fear victimization when the new Constitution comes into force. The extension of the privilege of premature retirement to Provincial Service officers will enable any of them who have reason to believe that they will be marked men under the new system to escape into private life. The problem of the subordinate police is more difficult. Officers below the rank of Sub-Inspector will, we

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think, have little to fear, and we admit that it would be difficult to give an unrestricted right of premature retirement even to Inspectors and Sub-Inspectors. We think, however, that the suggestion of the Subordinate Police Association of one Province might be carried into effect and that all police officers of the rank of Inspector and Sub-Inspector might be given the option of accepting article 465A of the Civil Service Regulations, which at present only applies to officers of the Imperial and Provincial Services. This will enable any officer who thinks he can no longer render useful service to obtain a reduced pension after serving for twenty-five years.

Repatriation of European Provincial and Subordinate Service Officers.

23. The future of officers of British domicile serving in the Provincial and Subordinate Police will be uncertain under the new Constitution. They are not very numerous and are mostly men who have taken their discharge from the British Army in India. Few of them can have any hope of saving enough money to return home at their own expense, and many of them will doubtless continue to prefer to settle down in India on retirement, irrespective of any facilities for return that may be offered them. Nevertheless, they have been pressing for passage concessions, which have been granted them in some Provinces and refused in others, and we think it only fair that, in view of the great change that will now take place in their general prospects in India, they should be given the opportunity of returning home at the end of their service. We propose, therefore, that any Provincial or Subordinate Police Service officer of European domicile, appointed before the commencement of the Constitution Act, should, on leaving the police, be entitled to free passages to England and railway fares to port of embarkation for himself and his family, provided that he avails himself of them within six months of the termination of his appointment.

Votes for pensioned Police Officers.

24. A proposal in the White Paper which is likely to cause unfavourable comment in the subordinate ranks of the police is that, whereas under appendices IV and V, retired, pensioned and discharged officers, non-commissioned officers and soldiers of His Majesty's regular forces are to have votes under

the new Constitution, the fact of being a retired police officer is not a qualification for the franchise. Considering the manner in which the subordinate police have conducted themselves during the recent troubles in India, we think that the extension of the franchise to them on retirement on the same conditions as to Indian ex-soldiers is a small concession that they might reasonably expect.

Revolutionary Activity.

25. So far we have dealt only with the everyday administration of the ordinary Provincial Police, and we have not touched on the problems arising out of the existence in India of disruptive organizations, the object of which is to bring about the secession of India from the British Empire, and to promote a social or political revolution. We have no reason to suppose that such organizations will cease their activities under the new Constitution. The upholders of Constitutional Government, whether as principals or official agents, will be the targets of the pistol and the bomb just as the principals and agents of the present British Government have been. Conspiracies, having as their object the promotion of internal rebellion and of foreign invasion, will almost certainly continue to be formed in the future as in the past. We do not think that this is the place to discuss the measures necessary to deal with this menace, but we trust that they are receiving expert consideration.

PART III.—SERVICE RIGHTS.

26. We now turn to questions more closely connected with the maintenance of the rights of our own Service. We need touch only briefly on these, because they have in the main been dealt with in the Representation submitted jointly by the European Governments Servants' Association and ourselves. We desire, however, to re-emphasize the following claims made in that Representation:—

(1) that the existing rights of officers appointed by the Secretary of State shall be deemed to include existing scales of pay and of special pay, existing rates and conditions of travelling and other compensatory allowances, together with a right to be governed by existing rules relating to provident funds;

(2) that accruing rights shall be deemed to include reasonable prospects in the career to which a person holding an appointment in the

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Civil Service in India could look forward at the time of his recruitment, the decision to to what are reasonable prospects resting with the Secretary of State and his advisers;

(3) that if higher posts above a time scale are abolished, the members of the Service affected shall be compensated by the temporary conversion of an equivalent number of posts in the time scale into a selection grade or grades carrying pay and pensionary rights on the level of the abolished posts;

(4) that all officers appointed by the Secretary of State before the commencement of the new Constitution Act shall have the right to retire prematurely on proportionate pension, with railway fares, passage gratuities and gratuities for loss of career, together with all leave due preparatory to retirement;

(5) that the terms for such pensions and gratuities shall be embodied in the new Act or its schedule;

(6) that the right to retire on proportionate pension shall be exercisable at any time after the commencement of the new Constitution Act;

(7) that members of the Services entitled to count war service as service for ordinary pension shall be entitled to count it as service for proportionate pension;

(8) that any officer recruited by the Secretary of State before the passing of the Constitution Act who may be compulsory retired, whether on grounds of financial stringency or for any other reason, shall receive terms not less favourable than those calculated for the Indian Service of Engineers as shown in Appendix I of our Joint Representation;

(9) that the pay and allowances of members of the Services appointed by the Secretary of State shall continue to be non-votable, and that pay shall not be liable to permanent or temporary reduction without the sanction of Parliament;

(10) that the Secretary of State shall retain by statute the power to grant exchange compensation allowance on the whole of an officer's pay should the exchange value of the rupee fall below 1s. 6d., and that the Secretary of State shall reserve power to increase pay if this

should become necessary owing to serious depreciation in the value of the rupee;

(11) that there shall be adequate statutory provision against fiscal, financial or other legislation tending to discriminate against Europeans generally, or the members of any or all Services;

(12) that the continuance, undiminished in value, of the concessions granted as a result of the Lee Commission shall be guaranteed by statute;

(13) that all service of more than one year's duration in administrative rank or in selection grade posts, to which special pension is attached, shall automatically count as approved service for special pension;

(14) that the previous sanction of the Governor shall be required for the entertainment in any Court of any suit, prosecution or other legal proceedings against any public servant who is not removable from his office save by or with the sanction of the local Government or some higher authority, in respect of any act alleged to have been committed by him while acting or purporting to act in the discharge of his official duty;

(15) that all existing delegations of rule-making power from the Secretary of State in council to the Governor-General in council, or to local Governments, shall be carefully examined, and that all important powers to make rules affecting the existing or accruing rights of officers appointed by the Secretary of State which are at present so delegated, shall be resumed by the Secretary of State, and that no further delegations of this nature shall be allowed;

(16) that the Service pensions of officers, their family pensions and their provident funds, shall be administered under the control and subject to the directions of the Secretary of State, and that payment of these pensions and funds and of gratuities on voluntary or compulsory retirement shall be guaranteed by the Act and its Schedules at rates of exchange of 1s. 9d. per rupee for pensions and of 1s. 6d. per rupee for funds;

(17) that the existing rules for determining the rate of interest to be paid on all Government provisions

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to provident funds shall be embodied in the Act or Schedules, together with the existing rules governing subscriptions to and withdrawals from these funds;

(18) that on the security of Indian funds invested in Sterling, or on such other security as may be deemed adequate, the British Government shall guarantee the due payment of pensions of both kinds and of provident fund deposits, the immediate liability remaining, of course, with the Federal Government of India;

(19) that the postings, promotions and transfers of Imperial and Provincial Police Service officers shall be decided by the Governor in personal consultation with the Minister in charge and the Inspector-General of Police.

Advisers of the Secretary of State.

27. In our Joint Representation with the European Government Servants' Association we have proposed that not less than one-half of the advisers that Proposal 176 of the White Paper gives to the Secretary of State shall be persons who have held office for not less than ten years under the Crown of India, and that not less than two of these shall have been members of the Services. In view of the fact that the Secretary of State's advisers will be largely concerned with the protection of officers appointed to the Services by the Secretary of State, and that the Indian Police is to be one of the only two Services to which recruitment by the Secretary of State will continue, we think that one of the two ex-Service advisers should be an officer of wide experience in the Indian Police.

Importance of Continued Recruitment to the Indian Medical Service and of Maintenance of European Hospitals.

28. We also desire to elaborate the demand in Paragraph 6(g) of the Joint Representation, that the continuance of the concessions granted as a result of the report of the Lee Commission should be guaranteed by statute. We observe that Paragraph 72 of the White Paper leaves undecided the question of continued recruitment to the Indian Medical Service. It is obviously essential that if British officers are to continue to serve in India, they and their families should have easy access to European doctors with British qualifications. Similarly, the concession of free medical, surgical and nursing attendance in a Government hospital will

lose all value if the present small number of hospital which provide suitable accommodation for Europeans cease to be supported by the new Provincial Governments, which under Appendix VI are to have the responsibility of maintaining them. We trust that this necessity will not be overlooked, and that suitable safeguards will be provided for the continued maintenance of hospitals for Europeans.

Public Services Commissions to be Appointed Protectors of the General Rights of the Services.

29. We indicated in Paragraph 14 that we had a suggestion to offer as to a way in which Provincial Public Services Commissions, though of little use in internal police administration, could be made valuable to the Services as a whole. Experience under the 1919 Constitution has shown that the Services are severely handicapped in the maintenance of their constitutional rights by the want of any authority in India whose official business it is to watch for encroachment on these rights in matters of everyday administration. At present the whole burden of detecting and representing such encroachment falls on the Executive officials of Service Associations, whose representations have little chance of success against the weight of authority and influence usually ranged on the other side. Provincial Governors are charged with the protection of the Services, but they can only act as arbitrators in cases that are brought before them. In the interpretation of rules, moreover, they are naturally inclined to accept without question the verdicts of their Audit and Finance departments, the former of which regards it as its duty to interpret any rule in the sense most unfavourable to the Services, while the latter is chiefly interested in keeping down the cost of the administration. The result is that even under the present Constitution measures have been taken which amount in our opinion to encroachments on Service rights. Under an autonomous régime, with the higher posts in the secretariats falling more and more into the hands of the Provincial Services, it is probable that such encroachments will become more frequent. We propose, therefore, that the Public Services Commissions should be required to hold a watching brief for the Services, and to assist the Governor-General and Governors in the exercise of their special responsibilities for their

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protection. They should receive in the ordinary routine copies of all Government orders and rules affecting the Services, and would have the duty of bringing to the notice, in the first place of the Government and later, if necessary, of the Governor, any rule or order which appeared to them to infringe the rights of any Service under the Constitution under a rule made by the Secretary of State, or to misinterpret any law or rule to the disadvantage of any officer appointed by the Secretary of State before the commencement of the Constitution Act.

PART IV.—CONCLUSION.

We have been careful, under the head of police administration, to propose no restrictions on responsible Provincial Government that we think to be inconsistent with the transfer of Law and Order to political control. *The restrictions we wish to see imposed are only those that any Government in India must impose on itself if it is to maintain public order.* No Government in India can afford to have its police deprived of their necessary powers, or to have their conditions of service made so unfavourable as to discourage suitable recruits, or to set a premium on corruption. No Government in India can expect proper service from policemen who have cause to fear victimization for doing their duty, or who are driven to cowardice by fears for the future of their dependants, or whose strength and armament is not effective, or whose discipline has been undermined by political and communal influence. *We hope that responsible Provincial Governments will realise that, in their own interests and those of India as a whole, they must limit political interference with the internal administration of the police to the extent necessary to preserve the efficiency, impartiality and contentment of the force. If they do so they will regard nothing we have proposed as fettering their legitimate discretion. But as they may not do so, and as the consequences of their not doing so would otherwise be disastrous, adequate machinery must be set up to ensure that the efficiency, impartiality and contentment of the police are maintained, in any event, and that the steps necessary to their maintenance are taken at the right junctures. The measures we have proposed to this end are the minimum that we think likely to prove adequate. If they are adopted, and if our Service*

rights are secured, the majority of us hope that we shall be able to continue to render useful service to India and to support the new Administration as loyally as we have served the old.

As the necessity of adducing arguments in support of our proposals has caused the proposals themselves to be scattered, we summarize them for convenience of reference in the form of an Appendix.

E. B. LOVELUCK, *Secretary.*

Indian Police Association.

May 24th, 1933.

APPENDIX.

SUMMARY OF RECOMMENDATIONS.

1. Public Services Commissions should hold examinations for the appointment of approved outside candidates to the Provincial Police Service, proper. Provincial Governments should be required to consult them in the exercise of their original and appellate powers in disciplinary cases and in connection with claims by officers that a Government should bear the cost of their defence in legal proceedings (paragraph 14). They should act as the guardians of the general rights of the Services (paragraph 29). But they should have no voice in the promotion of officers from the Subordinate to the Provincial Police Service or in the appointment, promotion or punishment of officers of the Subordinate Police Service from the rank of Inspector downwards, whose discipline is now in the hands of the higher officers of the department (paragraph 14).

2. It should be laid down in the Governor's Instrument of Instructions:—

(i) that he should be readily accessible in person to the Inspector-General of Police and Commissioner of Police (in Presidency Towns)—with the knowledge of the Minister—and should take frequent opportunity of consulting them on police matters;

(ii) that he should secure:—

(a) that no legislation is passed and that no rules are made which will diminish the present powers of police officers under existing Police Acts and rules;

(b) that the pay, allowances and conditions of service of subordinate police officers now in service are not revised to their

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disadvantage, and that the pay, allowances and conditions of service of future entrants are not revised in a manner that would encourage corruption or endanger the efficiency and trustworthiness of the force by creating general discontent or by destroying the quality of recruits;

(c) that the strength and armament of the police are kept effective;

(d) that the personnel of any Commissions that may be appointed to enquire into the conduct of the police or into police questions is such as to command the confidence of the force generally;

(e) that there is no victimization of the police for acts done in good faith and done or purported to be done in the execution of their duty under any administration (paragraph 15);

(f) that the existing independence of police officers from the rank of District Superintendent of Police upwards is maintained and that their powers of appointing, promoting and punishing their men are not undermined by giving officers of other departments or local bodies superior or concurrent jurisdiction (paragraph 19);

(iii) that the postings, promotions and transfers of officers of the All-India and Provincial Police Services shall be decided by the Governor in personal consultation with the Minister and the Inspector-General of Police (paragraph 26, (18)).

3. Statutory protection should be given to the police of all ranks against Civil suits or prosecutions for alleged acts done or purported to be done in the discharge of their official duty (paragraph 15).

4. The Inspector-General of Police in every Province should be a Secretary to Government *ex-officio*, and his post should be scheduled as such in the Superior Civil Service Rules made by the Secretary of State (paragraph 17).

5. Powers of General Superintendence of Police throughout the Provinces should be reserved to the Federal Government, whose authority should be enforced, if possible, by a system of grants-in-aid for police purposes to Provincial Governments. To assist the Federal Government

in their Superintendence, a Federal Inspector-General of Police should be appointed (paragraph 18).

6. Steps should be taken to ensure that district authorities have no more difficulty than they have now in obtaining military support in emergency (paragraph 20).

7. The Inspector-General of Police should be given full authority to sanction extraordinary pensions and gratuities, within the financial limits now laid down, to subordinate police officers wounded, and to the dependants of subordinate police officers killed, in the execution of their duty (paragraph 21).

8. No pension or gratuity claimed under Chapter XXXVIII of the Civil Service Regulations by an officer appointed by the Secretary of State, or by his dependants, should be refused without the sanction of the Secretary of State (paragraph 21).

9. Indian officers appointed by the Secretary of State and Provincial Police Service officers, both European and Indian, should be permitted to retire prematurely on proportionate pension on terms similar to those offered to European officers appointed by the Secretary of State (paragraph 22).

10. Police inspectors and sub-inspectors should be given the option of accepting Article 465A of the Indian Civil Service Regulations relating to retirement on reduced pension after twenty-five years' service (paragraph 22).

11. Provincial and Subordinate Service officers of European domicile should, on leaving the force, be entitled to free passages to England and railway fares to port of embarkation for themselves and their families, provided they avail themselves of them within six months of the termination of their appointments (paragraph 23).

12. The franchise should be extended to officers of the subordinate police on retirement on the same conditions as to Indian ex-soldiers (paragraph 24).

13. The measures necessary to deal with the revolutionary menace under the new Constitution should receive expert consideration (paragraph 25).

14. There should be statutory guarantees for the Service rights enumerated in items 1 to 18 of paragraph 26.

15. One of the Advisers of the Secretary of State should be a retired officer of wide experience in the Indian Police (paragraph 27).

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16. Arrangements should be made, whereby European officers and their families will continue to have easy access to European doctors with British qualifications, and for the continued maintenance of an adequate number of hospitals providing suitable accommodation for Europeans (paragraph 28).

1130. There are just one or two points in the Memorandum as to which I should like to ask you a question or two. At the bottom of paragraph 2 you suggest that in certain circumstances it is questionable whether it would be worth while the Government retaining the Imperial Police Service in India. Is the suggestion there that the Government should rest upon a Provincial and subordinate Police Service entirely?—(Sir Francis Griffith.) Supplemented as may be necessary by recruitment on contract in England. (Mr. King.) I think we desire to make it clear that we do not propose that in the interests of the Administration, but only in our own interests.

1131. Quite. I just wished to clear up the point as to what the position would be. Then in paragraph 4, about five lines down, you say that: "Once elected, the members of the Imperial Legislatures will need the Police to protect them, regardless of party from the attention of terrorists, unruly mobs, and unconstitutional agitators." I can understand that under certain circumstances Ministers might require protection, but is it really the case that ordinary members of the Legislatures would be in danger?—(Sir Francis Griffith.) Certainly in Bengal, and I can conceive circumstances in other Provinces where it would be necessary.

1132. Then in paragraph 7 you say: "Akin to this danger is the danger that on any change of Government the new party in power may endeavour to victimise the police for carrying out the policy of their predecessors. No other possible result of the transfer of law and order is dreaded by the subordinate police more than this, and, although the Act of Indemnity proposed in paragraph 180 of the White Paper may safeguard them from reprisals for acts done under the present Government, no means of protecting them from victimisation from acts done under future 'responsible' Governments appears to have been devised." Is it your suggestion that something of that sort should be attempted?—(Sir Robert

Dodd.) That is answered, Sir, in paragraph 15 (2) (e).

1133. On the same paper?—On the same paper.

1134. Paragraph 15 (2) (e) of the same paper. In paragraph 9 there is a misprint which I think you will probably wish to correct. In the second line you talk about the uniform politician—it should be "uninformed"?—Yes.

1135. You deal in paragraph 10 with questions of discipline. Will you tell us for our information how far the higher officers of the Police Force in India get to know the individual constables?—(Sir Francis Griffith.) The Superintendent of Police knows intimately a very large proportion of the men, who are constantly at Headquarters. The position is that many more men know him than he knows, but he knows the types and can categorise the men according to the types, which are limited. (Sir Charles Stead.) If I may interpose, my Lord Chairman, I go a bit further, and say that it is the duty of the Superintendent of Police to promote men from the rank of constable upwards. He has, therefore, by some means or other, to get a working knowledge of all the outstanding constables in the Force. (Mr. Loveluck.) May I add that he plays games with them most of his spare time, hockey, football and cricket, and gets to know them in that way? He inspects and stays in every Police Station in his district and gradually makes the acquaintance of all his men, interests himself in their work etc., investigates grievances and so on. Most District Officers keep a book in which notes are made from time to time regarding each man's work and character and his fitness for promotion.

1136. Rather more than halfway down paragraph 11 you use the words "prosecuting staff". What exactly does that mean?—(Sir Francis Griffith.) Under the law an officer who investigates is not allowed to prosecute, and, therefore, we have a special staff for prosecuting anything in the nature of a serious case, a case not sufficiently serious for a Law Officer of the Government, but at the same time serious enough to warrant special care. (Mr. King.) All prosecutions in the lower Courts are conducted by prosecuting inspectors of Police. It is only in Sessions that we get lawyers in the prosecution. (Sir Charles Stead.) And a number of the prosecuting police officers are lawyers, in the Punjab.

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1137. Then, unless I have misunderstood matters, there is a misprint in paragraph 13 (b). I think it ought to be paragraph 47 of the Introduction, and not paragraph 48. Would you just make sure that that is right? That is the White Paper you are dealing with. That is to say, my suggestion is that you mean paragraph 47 of the White Paper Introduction?—(Mr. King.) Yes, Sir.

1138. Then, in paragraph 14, you are dealing with the question of the Provincial Public Service Commissions in relation to promotion, and so on, in the Force. If I understand your paragraph aright, it really comes to this, that, in your view, the qualities which equip individuals for promotion in the Police are not the sort of qualities which a Public Service Commission would be likely to know about?—(Sir Francis Griffith.) That is so.

1139. And is it, in your view, vital for the discipline and efficiency of the Force that subordinate members of the Force should look to their own superiors in the Force for their prospects of promotion?—Yes.

Marquess of Reading.] May I ask one question with regard to that, my Lord Chairman, for the purpose of understanding as we go along?

Chairman.] If you please.

Marquess of Reading.] Is it suggested (the Secretary of State might tell us) that the paragraph in the White Paper would contravene what was said by the Witness, that is to say, as to the promotion of a constable by his superior officer. Is it intended that the Public Service Commission would have anything to do with that?

Sir Samuel Hoare.] The answer is no, it is not.

Marquess of Reading.] I thought not; that is why I wanted to clear the ground.

Chairman.

1140. Then, as I understand it, paragraph 15, sub-paragraph (2), is a list of matters which, in your view, the Governor should pay attention to in relation to that part of his Instrument of Instructions, which is stated in paragraph 47 of the Introduction to the White Paper, namely, "that he should bear in mind the close connection between his special responsibility for peace and tranquillity and the internal administra-

tion and discipline of the Police." Is that so?—Yes.

Sir Austen Chamberlain.

1141. I understand from the Memorandum circulated by the Witnesses that they not merely desire that the Governor should pay attention to these matters, but that these matters should be laid down in his Instructions—specified in his Instructions?—Yes.

Chairman.

1142. After full consideration, you would rather that these matters should be set down in detail in his Instructions, rather than that the Governor should be left to form his own opinion on any particular point in the light of contemporary conditions?—We would prefer that he should be given some indication of what to look for. We visualise a Governor who does not know India, does not know anything about the administration of the Services, coming out with the fixed determination at all costs to make a success of his Governorship and not to be at cross-purposes with his Ministry. That is the most natural condition of affairs. What we want is that he should be forewarned against possible dangers which a hostile Ministry might easily give rise to. That is our objective.

1143. Just to be quite clear, in the final sentence in paragraph 15, which begins: "We also ask that statutory provision should be made requiring the previous sanction of the Governor to the entertainment in any Court of any suit", and so on—is your suggestion there that it should go into the Act?—(Sir Charles Stead.) Yes.

1144. In paragraph 18, you are suggesting the setting up of an Inspectorate of Constabulary on an All-India basis, as you say, on the model of His Majesty's Inspectorate of Constabulary in Great Britain?—(Sir Francis Griffith.) Yes.

1145. I suppose there is a material difference between the two cases, Great Britain and India, in this respect: In Great Britain no question can arise of the Inspectorate operating in territories under the authority of different Parliaments, and in which the laws might, therefore, be different?—That is so. (Sir Charles Stead.) We merely quoted the English Inspectorate, so as to give some idea of the sort of arrangement we require. It is not on all fours.

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1146. But you attach very great importance to this suggestion, I understand?—We do. (Mr. Loveluck.) Most of us think such an Inspectorate likely to be of more use in India in the future than it can ever be to England.

1147. I cannot even remember whether the same Inspectorate operates in England and Scotland. Perhaps you could tell us?—(Sir Charles Stead.) No; there is a different Inspectorate for Scotland.

The Archbishop of Canterbury.

1148. I only want to ask one question with reference to what was said in answer to your question, my Lord Chairman. Is it contemplated that in the Instrument of Instructions to the Governor there should be a detailed list of the things he ought to have in mind in connection with his special responsibility and the administration of the Police?—(Sir Francis Griffith.) Yes.

1149. But would not the effect of that be to limit as well as to define the action of the Governor? How can any list of instructions in a formal Instrument, given once and for all, deal with all the innumerable cases that will arise in the course of his administration?—That would be a matter of drafting.

1150. I suggest it would be an exceedingly difficult matter of drafting?—(Mr. King.) We suggest that these are only general principles. Their application in individual cases will always be a question of fact. For instance, we say that the strength and armament of the Police should be kept effective. It is always a question of fact on a particular occasion whether it is effective or not. I do not think it will be disputed that the strength and the armament of the Police must be kept effective.

1151. I should have thought that these were matters that would have been obvious to any Governor who took the responsibility of government?—(Sir Charles Stead.) By no means. We have had recently considerable difficulty in many Provinces in India in re-arming the Police. Governments have put forward financial objections and I believe that the Supreme Government, the Government of India, had actually to issue Orders in the matter.

Marquess of Lothian.

1152. I just want to ask one question on paragraph 18, a question on the paragraph which has recently been under dis-

cussion, about the Federal Inspector-General. Can you tell me whether such an institution exists in any other Federation, in Canada or Australia, or the United States?—(Sir Francis Griffith.) I cannot say.

Marquess of Zetland.

1152A. There are one or two questions I want to ask you with regard to the safeguards that you consider necessary. You have made it quite clear in your Memorandum that unless the safeguards enumerated in the White Paper are increased, you think it would be better to disband the Imperial Police Force altogether. The chief dangers that you want to have safeguards against are, first of all, victimisation on changes of Government taking place in future; secondly, the cutting down of supply for the Police Force and, thirdly—perhaps, this is the most important—interference with the organisation and the discipline of the Police Force. I think that substantially puts your position?—Yes.

1153. In order to guard against this latter, namely, interference with the organisation and discipline of the Police Force, you would like an assurance that the existing Police Acts, that is to say, the Police Act of 1861 and the Police Acts of Bombay, Bengal and Madras, should not be altered. Is not that so?—Should not be weakened. We consider they should be strengthened.

1154. Anyway, should not be altered for the worse?—Yes.

1155. In the White Paper, if you will turn to Proposal No. 94, you will see that provision will be made empowering the Governor in any case in which he considers that a Bill introduced or proposed for introduction, or any clause thereof (I do not go on and read the minor details), "would affect the discharge of his 'special responsibility' for the prevention of any grave menace to the peace or tranquillity of the province, to direct that the Bill, clause or amendment shall not be further proceeded with." In your opinion would that safeguard you against any alteration of the existing Police Acts for the worse?—(Mr. King.) It would depend on the Governor, and that is why we want the Governor clearly asked to safeguard those Acts.

1156. I agree that clearly it would depend upon the discretion of the Governor, and, that being so, and your being a little doubtful as to the wisdom

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of the Governor in every case, the question I want to ask you is this: If you will turn to Proposals 119 and 120 of the White Paper you will find that it is laid down that certain Bills cannot be introduced without the previous sanction of the Governor-General or of the Governor, and what I want to know is this: Do you think that you would have a stronger safeguard against the alteration of the existing Police Acts if those Acts were included under Proposals 119 and 120?—(Sir Francis Griffith.) The Police Acts are enacted by provincial legislatures.

1157. Only three of them. The Police Act of 1861 was not by a provincial legislature?—No, but Bombay works under two Acts, District Police Act and a City Police Act. I can only speak for Bombay. I am told that Madras is the same.

1158. There are four Police Acts, the Act of 1861, which was an Imperial Act, and there are other Police Acts of Bombay, Bengal and Madras?—Yes.

1159. But if you look at paragraphs 119 and 120 of the White Paper you will see that provision is there made both for Imperial measures and for local measures requiring the prior assent either of the Governor-General or of the Governor, and what I want to know is, would you be satisfied if the subject of the amendment of the Police Acts was included in those two paragraphs which require the prior sanction of the Governor-General or the Governor of the Province before a measure can be introduced?—(Mr. King.) The Police Acts leave great discretion to the local Government, and it would not be enough merely to provide that those Acts themselves should not be altered. We just want a general provision requiring the Governor to see that there is no general dilution of the powers, either in the rules or in the Acts. Even if the Act itself were not altered the local Government have, under those Acts, practically entire discretion.

1160. You mean by making Rules?—Yes, they can make general Rules which would subordinate the Police, for instance, to Magistrates to a greater extent than they are at present. They can do all that sort of thing under the existing Acts, so it would not be enough merely to do what you suggest.

1161. Then I understand from your replies that you would not attach any importance to including the matter of

the Police Acts in Proposals 119 and 120?—(Sir Francis Griffith.) It would not be sufficient. We do not regard it as sufficient.

1162. For the other safeguards you rely chiefly upon the Governor acting in discharge of his "special responsibility"?—Yes.

1163. Your anxiety, as I understand it, is this: You think it will be very difficult for the Governor to be kept constantly informed of what is going on in the Home Department. Your anxiety is to see some machinery by which the Governor can be kept constantly informed: is not that so?—Yes; that is right.

1164. And you suggest that he should be personally accessible to the Inspector General of Police?—Yes. (Mr. Loveluck.) And to the Commissioner of Police at the Presidency Towns.

1165. What you mean by that, I suppose, is that the Inspector General of Police and the Commissioner of Police in the Presidency Towns should at all times have the right to apply to the Governor. That is what you intend?—Yes.

1166. We all appreciate the great difficulty of this particular question. Would you look at Proposal 69 in the White Paper? Proposal 69 lays it down that the Governor, after consultation with his Ministers, may make, at his discretion, any rules which he regards as requisite to regulate the disposal of Government business, and the procedure to be observed in its conduct, and for the transmission to himself of all such information as he may direct. Do you consider that under that proposal the Governor would have an adequate means of keeping himself informed with regard to Police matters?—No. We do not agree. Unless he is bound to consult the Inspector General on certain matters of promotions, transfers, and so on, we should not be safeguarded, because these matters might be delegated to, say, a Chief Secretary of Government, who would not be in the Indian Police, who would not have any knowledge of the men whose transfers or promotions were affected, and these matters would be done entirely without the Inspector General's cognisance. We think it is much more important that he should be consulted, and that the Governor should be bound to consult him in all such

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matters, and not be empowered to delegate the authority. (Sir *Charles Stead*.) I may add that recently in one Province, not my Province, the Punjab (I should like that to be clearly understood), a ruler of the Province refused to see his Inspector General of Police. He said: "Let the Secretary deal with him." The ruler of one Province in India refused to see the Inspector General.

Lord *Hardinge of Penhurst*.

1167. Do you mean a Governor?—The Province is now a Governorship. He refused to see the Inspector General of Police, and told him to deal with his Secretary.

Sir *A. P. Patro*.

1168. What Province?—The ruler of a Province. I have no wish to mention the Province.

Sir *Tej Bahadur Sapru*.

1169. I do not want to know the Province, but do you mean by the ruler the Government?—He was the head of a Province. I do not wish, by a process of elimination, to enable the name of the Province to be divulged.

1170. Was he a member of the Indian Civil Service?—He was a member of the Indian Civil Service.

Marquess of *Zetland*.

1171. Your point therefore is that it is not enough that the Secretary to the Department concerned with the Police should have access to the Governor. You say that the Inspector General himself must have access to the Governor?—Certainly; the Inspector General might, actually, be a Secretary. He is in one Province.

1172. I know that, but in most Provinces he is not?—In most Provinces he is not.

1173. Where he is not a Secretary your point is that the Executive head of the Police should have freedom of access to the "Governor of the Province?—Certainly, Sir.

1174. Do you think that could be secured by an instruction to the Governor in his Instrument of Instructions?—I think so.

1175. I would like to put this question to you. Would not it give far greater security in this matter and would not it simplify the whole procedure enormously

if it was laid down in the Constitution Act (and when I talk about the Constitution Act I mean the Act of Parliament in this country which is going to set up the new Constitution) not only that Secretaries and Heads of Departments should have free access to the Governor, but that it was their bounden duty to bring to the notice of the Governor any matter within their official purview which affected the special responsibilities of the Governor?—That would exactly meet our views.

1176. That is your view?—Yes.

1177. That is not the view which you express in your Memorandum, but, at any rate, I understand you think that would be the best safeguard?—I think it would be a very good safeguard.

1178. Can you suggest a better?—I cannot, personally.

1179. As far as you know, that is the best safeguard you could have?—Yes. (Sir *Robert Dodd*.) May I say I do not think it would be sufficient in itself as a safeguard. As an addition to those we have asked for in this paragraph 15 it would be an advantage.

1180. On that point may I ask you this: Surely a provision of that kind in the Constitution Act would cover every sort of question that could arise. If it was the duty of the Inspector-General of Police to bring to the notice of the Governor any matter affecting the police which touched upon his special responsibility, it would depend then entirely on the Inspector-General of Police and that is what I understand you want?—I think it would depend upon the Governor. There would be no guarantee, unless we had these safeguards we have asked for in paragraph 15, in his Instrument of Instructions, that the Governor would take action on the representations of the Inspector-General.

1181. I see. You think that, although the Inspector-General would be in a position to inform the Governor what he considered to be necessary, the Governor might not act upon his suggestions?—Unless he had these instructions before him.

1182. But even if he had those instructions before him, he can only act in his own discretion?—(Mr. *Loveluck*.) We are rather inclined to think that if there is a consultation between the Inspector-General and the Governor and the Minister who is the Head of the Department, preliminary to the passing

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of orders, it will be a more satisfactory way of dealing with the matter and it would not result in, say, an order of the Inspector-General being upset by consultation afterwards. It would be better for discipline that this Committee should meet (you need not call it a Committee), so that there should be consultation between these three officers of Government before any orders were passed.

1183. That is what you meant when you said with the knowledge of the Minister?—Yes, exactly. We do not want to go behind the Minister at all.

1184. I understand that you really want nothing further than you have laid down in paragraph 15 of your Memorandum. That will completely satisfy you?—(Mr. King.) We do not think anything further would be consistent with what we understand to be the intentions of the White Paper.

Lord Rankeillour.

1185. I am not quite clear about your paragraph 14. Can you tell us what grades of the Provincial Police Force come under the All-India Service at present?—Only the officers from the rank of Assistant District Superintendent of Police upwards. They are Assistant District Superintendent, District Superintendent, Deputy Inspector-General, and Inspector-General. Those are the only appointments held by the Imperial Service.

1186. What grades come under the Middle Service?—Deputy Superintendent.

1187. Only?—Only.

1188. What grades come under the Lower Service?—Inspector, Sub-Inspector, Head Constable and Constable.

1189. With regard to the Upper and Middle, I gather the tenor of paragraph 14 is that you do not object to the proposals for further recruitment and promotion?—We do not object in the least to outside appointments to the Provincial Service being made by the Public Services Commission, but we do not want them interfering in promotions, because we select our Inspectors for this promotion and we do not want to have to submit our recommendations to a Public Services Commission who would not know the men as well as we do.

1190. Though you do not mind the original appointment?—We do not mind the original appointment.

1191. With regard to the Subordinate Service, how is that recruited at present?—Superintendents of Police recruit Constables and promote them to the rank of Head Constable. Then a certain number of Head Constables are promoted to the rank of Sub-Inspector and a certain number of direct appointments are also made to the same rank. Then Sub-Inspectors are promoted to the rank of Inspectors. There are no direct appointments to the rank of Inspector.

1192. Are these appointments made in these various grades all subject, in theory, at any rate, to the Inspector-General?—Yes. The practice is for Superintendents of Police themselves to make certain promotions, the Deputy-Inspector-General does others and the Inspector-General does others.

1193. I gather you attach importance to that method being retained?—Yes.

1194. You would strongly deprecate any power of making rules which would interfere with it?—Yes.

1195. May I ask you about posting Police Officers in different parts of the Province. Who does that now?—It depends on the rank. The postings of the Imperial Service are done by the Government.

1196. By the Provincial Government?—Yes, and the Governor has to concur.

1197. Below that rank it is done by the Inspector-General?—It varies in different Provinces, I think. In my Province Police Officers are transferred by Deputy-Inspectors-General.

1198. You attach importance to those powers, either as a matter of discipline, reward or punishment?—Yes, we do, because there is a certain amount of opportunity for favouritism from outside in those posts. We receive at present a good deal of pressure to move people where they want to go. They will enlist outside support.

1199. You want those powers to be retained?—Yes.

1200. In paragraph 14, you say: "Appointments to the 'Provincial' Service are made by Local Governments." Does that in fact mean the Governor personally, or some Secretary?—(Sir Francis Griffith.) In the Bombay Province the arrangement is that the selections are made by a Committee of which the Inspector-General is Chairman.

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1201. That is what is meant by the Local Government in that case?—No. We send our recommendations up to the Government and the Government pass Orders upon it. The Committee is composed of three Police officers and two members of the Legislative Council, and they make their proposals to the Government.

1202. It does not go to the Governor personally?—Not necessarily; not unless the Governor chooses to send for it. (Sir Charles Stead.) In the Punjab it does go to the Governor personally.

1203. If the Inspector-General at present finds anything out of order that he wants to draw special attention to, to whom does he now report?—(Sir Francis Griffith.) It depends upon what is the nature of the thing that he finds wrong.

1204. If he found that in some particular area there was trouble, and the Police Force needed to be strengthened there, would he report to the Governor?—(Mr. King.) To the member in charge of Law and Order.

1205. Has he a right of access to the Governor at present?—(Sir Francis Griffith.) In practice, in our Province, yes.

Major Cadogan.

1206. My Lord Chairman, I should like to ask a question in relation to paragraphs 5, 6, 7 and 8. You speak of the tendencies in Indian present day politics dangerous to your efficiency. Do you consider as too optimistic the pious hope of the Royal Commission that the transference of Law and Order would correct those tendencies or obviate them altogether?—I do not anticipate that it will have any direct and immediate effect upon the great canker of communism. That is what we fear more than anything else.

1207. Do you think it would correct the tendency to make the Police the general target in the Legislature, the tendency to starve the Police financially in the matter of housing and transport, as you mention in your Memorandum?—I do not know that it would.

1208. I wish to ask another question on paragraphs 15 and 17. I take it that the gist of your suggestions there is that it is of supreme importance that the Governor should obtain, or rather, have

access to information before the crisis arises?—Yes.

1209. And that your view is that the White Paper, while it provides that the Governor should have access to information when the crisis arises, does not make sufficient provision for him keeping in touch with the administration of Law and Order in normal times?—In order to prevent the crisis, yes.

1210. That you regard as of supreme importance, and the White Paper does not make sufficient provision for that?—That is so.

1211. There is one other small point. In paragraph 10, you make a rather serious charge in the last part of it. You say: "When the Minister in charge of Law and Order has to depend on a majority in the Councils, the temptation to him to yield to pressure, in what he will regard as very small matters, will be extremely great," and then you say: "There is nothing more demoralising to the members of a disciplined body than the knowledge that they have an easy means at their disposal of evading the orders of their own officers by intrigue." I wonder if you would have any objection to enlarging upon that last sentence? In what way could a subordinate officer by intrigue go behind the back of the superior and gain any advantage by doing so?—In the case of transfers and promotions they pull strings; there is no doubt whatever about it. What we feel is that if they can pull strings successfully, then it is extremely bad for discipline.

Sir Reginald Craddock.] My Lord Chairman, there are one or two questions I would like to put to whichever of the Witnesses prefers to answer them. Are any of the gentlemen present able to say what the attitude of the subordinate Police, counting from Inspectors downwards, is to the important changes that are projected? Have they any cognisance of that, or any idea of what is proposed, and, if so, have they communicated what they feel in any way to their officers of the Indian Police?

Chairman.] Sir Reginald, are you referring to the political aspects of the White Paper?

Sir Reginald Craddock.] The Witness has expressed certain dangers, and I wanted to ask him what the opinion of the Force was. Whether they were able

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to tell us whether they had apprehensions or whether they are quite pleased, or what?

Chairman.] It will be in your mind that some of the Witnesses present are serving Officers of Police, and that Witnesses here to-day are representing Officers on the Active List.

Sir *Reginald Craddock.*] Yes. I wanted to know whether they were able to inform the Committee what the ideas of the Police themselves were. It is a very important matter.

Sir *Austen Chamberlain.*] Upon what point? Would Sir Reginald Craddock define his question a little more exactly? I do not understand it.

Sir *Reginald Craddock.*] I do not think I can put it more clearly than to ask the Witnesses whether they are able to inform us what the opinions of the Police themselves are?

Sir *Austen Chamberlain.*] Upon what?

Sir *Reginald Craddock.*] Upon the projected change, being handed over to a Minister.

Lord *Eustace Percy.*] As I understand, my Lord Chairman, the Witnesses have said that they do not want to express any opinion upon the transfer of Law and Order.

Chairman.] Before the Witnesses answer, if they wish to answer, Sir Reginald Craddock's question, I should like, if he will allow me to do so, myself to put a question to the Witnesses.

Sir *Reginald Craddock.*] Yes.

Chairman.

1212. In your Memorandum of the Evidence, you have, I notice, been careful to avoid any expression of opinion upon the political merits or demerits of the scheme of Constitutional Reform contained in the White Paper?—(Sir *Francis Griffith.*) Yes.

1213. I am particularly anxious that you should continue to avoid doing so in answer to my question, and I should hope also in answer to any questions which my colleagues or my friends opposite may put to you. This is my question: Would it, in your view, be proper or reasonable for anyone inside this room, or outside, to interpret those apprehensions of serving Officers of the Police, which apprehensions you are here to represent to us, as implying on the part of such officers any particular opinion, whether favourable or unfavourable, about the political merits of the

scheme set forth in the White Paper?—I would reply to that by saying that the only concern of the officers and men is a practical concern as to how the change will affect them practically, not politically.

Chairman.] I am inclined to think that Sir Reginald Craddock, after that question and that answer, will not wish to press his question further.

Sir *Reginald Craddock.*] I submit that my question does not ask the opinion of these officers on the Reforms, but what they gather to be the feelings of the Police serving under them. It is a very relevant point, I submit.

Marquess of *Salisbury.*] I do not, of course, challenge the view which has been put forward, if it is thought right, but, of course, it must be apparent that Parliament will ultimately like to know what the Police officers really do think. It may not be right to put it here and now, but ultimately that must be found out, for it is obvious, if you are to know the whole truth, you must know what all the people who really know the truth think about it. I quite understand the reason for reluctance, if you bring serving officers into political issues; I understand and sympathise with it, but I only want to place it upon record that ultimately Parliament must know.

Earl *Winterton.*] I very much hope that Sir Reginald Craddock will not persist in his question, and I wish most forcibly to register my objection to the question. It seems to me it would be impossible to carry on administration in this country if, when there were proposals before Parliament, a serving officer in an important position was asked whether members of the subordinate Services were or were not prepared to accept the proposals before Parliament. It would be quite impossible to carry on administration on those lines.

Sir *Hari Singh Gour.*] My Lord Chairman, I have another objection to questions of this character. Members of the Middle Police Force and the subordinate Services, who are not actually in service, but have retired, have had an opportunity of expressing their views generally upon the prospects of their country as actually serving in the subordinate posts. None of them have done so, and to ask the gentlemen here as to what other people think about a particular proposal, is to let in hearsay evidence which, I submit, will certainly not

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influence any one delegate on this side of the table.

Marquess of Reading.] May I add one observation only, my Lord Chairman, to what has been said. Is not the very real difficulty, apart altogether from the arguments which have been put forward and which I will not repeat, that it is impossible for any one of these gentlemen who are here present, who are speaking, of course, for the Service, and having ascertained their views, for the protection of the interests of the men who are in the Service, to say what is the opinion of Police constables and other officers who are serving all round the country? How can they possibly be asked to tell us what is the opinion of these constables? I do suggest that we ought not to go into questions of that kind. It will be impossible for us to continue the examination.

Chairman.] I may, perhaps, remind the Witnesses that if questions are put which they would rather not answer, it is for them to say so.

Sir Joseph Nall.] My Lord Chairman, on that point I should like to ask, am I right in presuming that it will be in order for the Witness to say quite clearly that he does not wish to answer a question on the grounds that it may be embarrassing. As far as the other observations that have been made on this point are concerned, I should like to observe that the less our Inquiry in this Room, the more necessary it may be to pursue the matter elsewhere.

Chairman.

1214. Sir Reginald Craddock has asked this question?—(Sir Francis Griffith.) My answer is bound by the answer I gave just now, that the men are definitely interested in the practical results of the coming changes.

Sir Reginald Craddock.

1215. Under the existing system, if the Inspector-General dismisses a subordinate Police officer, to whom has that subordinate Police officer the right to appeal?—(Sir Charles Stead.) The local Government. (Sir Francis Griffith.) It depends upon his rank.

1216. An inspector of Police?—An inspector appeals to the Government.

1217. Can a sub-inspector have an appeal to local Government?—He is dismissed by the Deputy-Inspector-General;

he appeals to the Inspector-General and has a further right of appeal to the Government.

1218. And that appeal would, therefore, go to the Member in charge of Law and Order?—Yes.

1219. Therefore, there is no appeal to the Governor himself?—No.

1220. You have said that it is possible sometimes for people serving under Ministers (of course, the Police have not served under them at present), to get a pull with the Ministers. You have apprehensions that that might occur, have you not?—Yes.

1221. Have you any cases in mind in other Departments that are under Ministers in which you are acquainted with the facts, in which there has been some evidence of a pull of that description?—I have been Inspector-General of Bombay for 12 years, and during that time I have been approached over and over again, and I have known the Governor approached, to influence postings, to influence promotions and kindred matters, and I cannot help fearing that the pressure will, so far from diminishing, increase when the Portfolio of the Police is removed from a Home member and placed in the hands of a Minister. (Sir Charles Stead.) I may add that the one thing that made me glad to retire, I may say the only thing, was the daily persistent and relentless persecution under which I suffered by people coming and asking me to make a posting, asking me to make a transfer, asking me to make an appointment. That was the one disability of serving as an Inspector-General of Police, and this will, I am afraid, annoy the Minister, even more than it does the Inspector-General. The Minister must be protected against this insidious and insistent importunacy.

1222. I have only one other question to ask. I gather from the Memorandum that it is the opinion of Police officers that the Police system is at present badly equipped, and lacking in various necessities. Is that a general complaint in the Provinces in which you are serving?—(Sir Francis Griffith.) Yes, it is.

1223. I think it was a suggestion put up by the Police Association not long ago before any changes were made that a Commission should be appointed to enquire into all the circumstances of the Police. The last Commission occurred in 1902?—(Mr. Loveluck.) Yes.

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1224. Since then there has been no general overhaul of the conditions of the Police?—That is correct.

1225. Is it still your opinion that some preliminary enquiry should be made into the equipment and efficiency of the Police Force by a Commission before any step is taken under the constitution projected in the White Paper?—We think it most necessary in the interests of the new Government that there should be such an enquiry in order to make sure of the efficiency of the police when they start under that new Government, otherwise there would be an obvious retort that they had taken over an inefficient police. I want a Commission to report on the state of the Police before it is handed over to the new Government and, we want them to recommend certain improvements in housing, in armament, and in general conditions, mostly of the rank and file. We are more interested, I think, in the rank and file than in ourselves.

Miss *Mary Pickford*.

1226. I should like to ask one question on paragraph 24 of the Memorandum. Are witnesses aware that to be a retired pensioned and discharged non-commissioned officer and soldier of His Majesty's regular forces has been a qualification for the franchise for Provincial Councils since 1920? It is a qualification existing to-day?—(Sir *Francis Griffith*.) Yes, that is so.

1227. Could the witnesses say whether they think this has caused unfavourable comment and dissatisfaction?—(Sir *Charles Stead*.) Certainly.

1228. Because it has not been extended to retired Police Officers?—Most certainly. I have frequently myself heard it unfavourably commented on.

1229. Having regard to the very much lower property qualifications that are recommended for a vote for Provincial Councils under the White Paper, is it likely that many retired Police Officers would not be qualified under those property qualifications?—That is so. A number of them would be otherwise qualified, but it is felt to be a slur on the Force that they have not the same privileges the Army has.

1230. I think you only recommend this for officers of subordinate rank?—Constables.

1231. Not for the rank and file of the Police Force?—For the rank and file.

1232. For all retired Police?—Yes.

1233. I was not quite clear from your paragraph in the Summary at the end, Number 12. You said "to officers of the subordinate police"?—(Mr. *Loveluck*.) We call them "Officers" whatever their rank.

Earl of *Derby*.

1234. It is clear that it applies to all ranks?—To all ranks.

Sir *John Wardlaw Milne*.

1235. I have one question on paragraph 20 of the Memorandum, the last sentence: "We trust that the fact that the Magistracy and Police will now be carrying out the policy of Provincial Governments instead of that of the authority to whom the Army will be responsible, will not make it any more difficult for us to enlist Army support than it is now." I want to ask on that, what is the present system which is referred to in the earlier part of that paragraph: "At present, district authorities," and so on, "obtain military assistance of varying degrees without difficulty." I do not quite follow what change it is expected will take place. Do not the Police at present apply to the Local Government in such a case?—(Sir *Francis Griffith*.) Theoretically they do, but practically you have to act in a hurry, and nine times out of ten you arrange with the district Magistrate and the Officer Commanding the troops direct, because every minute in such circumstances counts.

1236. Do I understand that you anticipate that under any change there might be delay in that respect? Is that the point?—That is one of the fears. (Mr. *King*.) The Simon Commission referred to this question and indicated that we should have greater difficulty.

Lord *Eustace Percy*.

1237. May I ask one question to which I do not think the objection to the original question could be urged. You are giving evidence on behalf of the Officers appointed by the Secretary of State. Do you consider from what you know that the views and proposals put forward in your evidence would be supported by the subordinate members of the Service?—(Sir *Francis Griffith*.) I think they would; so far as they affect them they certainly would.

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1238. You have put forward proposals for a system of police administration under a system by which law and order are transferred. What practical difference (I speak only of practical differences) is there between the system you propose and a system under which law and order was not transferred at all?—(Mr. Loveluck.) The idea is that under the new Government the Police would be more susceptible to communal, creed and other influences than they have been in the past. We wish to safeguard the Minister in charge of the portfolio of Law and Order against all these interests. We want to make the Police more impartial and, if necessary, more independent because we feel that if they are independent they can be looked up to by the general public and trusted more than if they are subject to party influences, especially when there are rapid changes of Government such as we anticipate.

1239. I quite understand the motives of your proposal. What I want to know is what difference would be made in these proposals if Law and Order were not transferred at all? What is the practical difference? Under your proposals the Governor will have complete power, as I understand it, over the whole internal administration of the police. What practical difference will there be?—(Sir Francis Griffith.) We are simply asking for the home practice. We ask that the Minister should control the policy to the full, but that there should be no interference whatever with the working of the police—the practical and departmental working of the police. That is exactly the position in England, and we see no reason why a similar position should not be accepted in India.

1240. My questions are not intended to be argumentative at all. You say full control over policy would be left to the Minister. What does "policy" mean in relation to police administration?—We get our orders. We carry them out, and all we seek to do is to remain efficient, and we contend that interference with internal discipline weakens our efficiency. (Mr. King.) There will be nothing to prevent the Minister from doing us a great deal of good. He may improve the pay of the subordinate police, and he may make various alterations in the organisation of the force.

1241. Under your proposals he will not be allowed to do that unless the Governor agrees, will he?—Certainly. Our intention is only that the Governor should interfere in the last resort when these particular things are threatened. As long as there is no threat to the efficiency of the police, and their minimum strength, we have no objection to what the Minister does.

Sir Akbar Hydari.

1242. May I ask one question with regard to paragraph 18? My experience of Indian States so far as it goes, leads me to say that not only would they not welcome the attentions of a Federal Inspector-General in their Police administration, but would strongly object to anything in the constitution that might lead gradually to those attentions being transferred to their States. Have you any experience, or have you any reason to believe, based upon experience, otherwise than what I have stated?—(Mr. King.) No, Sir. (Mr. Loveluck.) We hope that the new Inspectorate will be a help both to the Indian States and to the Provinces which surround them. We hope it will prove its value in its working, and it would only apply to those States which came into the Federation. They would accept that as part of the general scheme.

1243. But those who come into the Federation would not federate if this was one of the conditions of Federation?—(Mr. King.) We do not ask that it should be one of the conditions of Federation. We merely threw that out as a suggestion that in case any State wished to join in this arrangement, it might be a good thing from the point of view of the Federation as a whole. We are not attempting to suggest that any State should be forced to join this arrangement.

1244. I am only saying that they would not. I have one more question: Can you give us some idea as to the neighbourhood of the figure which you would require being budgeted for grants-in-aid from Federal revenues for this purpose?—It would depend on the size of the unit, but we cannot attempt to give any figure.

1245. The units, in the first instance, are the Provinces of British India, and then, excluding the Indian States about which I have said that they will not come in, have you any idea as to the

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amounts of grants-in-aid that you would require for this purpose which would be a charge on Federal revenues to which the whole of India contributes, and not only British India?—(Sir Francis Griffith.) We have not thought that point out at all.

Sir Manubhai N. Mehta.

1246. I will ask one question about Service Rights claimed by the Police, in Part III: Item 8 refers to compulsory retirement and says that "any officer recruited by the Secretary of State before the passing of the Constitution Act who may be compulsorily retired, whether on grounds of financial stringency or for any other reason, shall receive terms not less favourable than those calculated for the India Service of Engineers." Would the gentleman tell me what these words "for any other reason" are to comprehend—would they include even proved misconduct or suspected incompetency and efficiency?—(Mr. King.) We do not mean that.

1247. Will not you qualify those words "for any other reason"? The qualification would be "any other reason, except proved incompetency and proved misconduct"?—(Mr. Loveluck.) We would accept that, I think. (Mr. King.) Yes, we would accept that.

1248. May I extend the question a little further: Would you insist on proved misconduct and proved incompetency? Would not you regard suspected misconduct as a convenient ground for parting with an officer whom the Government does not wish to retain, especially in the Police and the Public Works Department? (Sir Francis Griffith.) That would depend on the terms upon which the parting took place, in our view.

1249. I do not quite catch your view?—I think, if it is going to be in the nature of a dismissal, the misconduct should not be suspected but should be proved.

1250. I am not talking of dismissal, but of a suggestion, a hint, that an officer might go away?—If he goes on very much reduced emoluments it amounts to dismissal.

1251. You would still lay the burden of compensation upon Government who parts with that officer just to save him from the disgrace of public inquiry?—There is no disgrace in public inquiry if you are acquitted.

Mr. Zafrulla Khan.

1252. With regard to paragraph 18, there are several factors mentioned in this paragraph which indicate the desirability of co-ordination between Provinces and between Provinces and States. With regard to the instance given, for example, the instance of exchange of prisoners and treasure under police escort, am I correct in assuming that all the factors apply equally between Provinces and Provinces as well as between Provinces and States, or perhaps in some cases more so between Provinces and States, than between Provinces and Provinces?—(Mr. King.) We have already difficulty on the borders of States. Our point is that this difficulty which we now only have on the borders of States will extend to the borders of every Province in British India.

1253. My question was: Am I correct in assuming that these difficulties will not be confined merely to inter-Provincial matters, but are bound to arise between Provinces and States also in the future?—(Mr. Loveluck.) They could be settled by friendly negotiation, I imagine, between the States as between the Provinces.

1254. I am not questioning the desirability of the expedients suggested: I am merely trying to clear up whether the difficulties are likely to be only inter-Provincial and whether they are also likely to be between Provinces and States?—(Mr. King.) Yes; because they are there already. The difficulties between Provinces and States are already there and will continue.

1255. Very good. Then may I assume that the usefulness of the expedient suggested would to a very large extent be minimized if the expedient is not accepted by the States?—No, Sir, because we already do without this co-operation on the part of the States. We want to prevent that from getting worse by having the same difficulty all over India that we now only have on the borders of Indian States.

1256. Therefore, you consider that, as it is possible to meet difficulties of this kind (for instance, crime knowing no political boundaries and problems of Provincial and State border administration and a Province or a State providing sanctuary for border criminals) and as they can be satisfactorily dealt with by

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negotiations between the States and Provinces, they could be dealt with equally satisfactorily by negotiation and co-ordination between neighbouring Provinces under the future Government; and if you do not think so, why do you think the difficulties between two Provinces may be greater in settling these matters by negotiation and co-ordination rather than between a Province and a State in the future?—(Sir Francis Griffith.) One of the things we fear is that the standard of efficiency of a particular Province may gradually drop unnoticed below the standard of minimum safety, and it is partly to keep the general standard of efficiency up that we require this Federal Inspectorate so that the Governor-General may be kept informed of the general standard of efficiency in the Police in every Province. The question of inter-border crime is really not one of the most important reasons for which we ask that this Inspectorate should be established.

1257. Do not you agree that the question of efficiency of the police within a certain Province would be the concern of the Provincial Governor, having regard to the special responsibility which it is proposed to lay upon him under the White Paper, and ultimately, also, perhaps, that of the Governor-General under his special responsibility; and that it would be fully met under the scheme of the White Paper?—How is the Governor-General to know? If he has his own Inspectorate he will be in a far better position to know without loss of time, when efficiency in a particular Province is declining for any reason.

1258. With regard to the Governor, would that apply?—We consider it is possible that there may be differences of opinion among the Governors. One Governor's opinion of efficiency may not coincide with another Governor's opinion, and our idea is that there should be a general standard throughout India as there is at present.

1259. British India, you mean, of course?—British India I am talking of entirely.

1260. With regard to the future condition of things, there would, under your scheme, if the States did not accept this suggestion of a Federal Inspector-General, be no means of ensuring that within the States that adhere to the Federation there will be any particular standard of police efficiency or administration?—That is so.

1261. And you think that, in spite of the fact that one-third of the area would be under that kind of police administration and two-thirds of the area would be under the kind of administration that you visualize, the state of things with regard to law and order would be quite satisfactory?—They would be quite satisfactory. (Mr. Loveluck.) We do not assume that the Indian States would not require their Police to be equally efficient.

1262. Why do you assume that, in the future, Provinces would not consider that their Police should be equally efficient—at least as efficient as the Police in the Indian States?—(Sir Francis Griffith.) I hope we shall not drop to that level.

Dr. Shafa' at Ahmad Khan.

1263. I want to put just a few questions. In paragraph 8 of your Memorandum you have said: "police estimates are bitterly attacked. So strong is usually the political opposition to any new expenditure on the police that even present provincial governments hesitate to ask for funds for improvements in equipment, the replacement of ruined police stations, the increase of staff necessitated by change in population, and other measures essential to the efficiency and contentment of the force." Do these remarks apply to every Province?—(Mr. Loveluck.) I have reports here from every Province in India. In the majority of the Provinces there have been these cuts, which have in several cases been overruled by the Governor, but also in several cases they have been accepted, and I think it is the opinion of most officers that there is not enough money provided for the Police administration to be efficient. We are all aiming at this ideal, and naturally we cannot be given all we want, but we do feel there is a minimum beyond which the cuts should not be allowed to continue.

1264. My point is this: Do they apply to the United Provinces?—(Mr. King.) The Simon Commission dealt with the United Provinces on this matter. They said, I think, that the United Provinces though unsparing in criticism have shown sufficient sense of responsibility not to cripple the Police administration. (Mr. Loveluck.) I have five items in the United Provinces where reductions were made; they are none of them very big; one was of 10,000 rupees, and one of 5,000, more or less token reductions, not meant seriously, I imagine.

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1265. I think Sir Robert Dodd was a member of the United Provinces Legislative Council and he will be able to tell us if they consider this unfair or hostile to the legitimate demands put forward by the Police Department?—(Sir Robert Dodd.) On the whole, they were very reasonable. They did on one occasion abolish the officer in charge of the Criminal Investigation Department, and he had to be restored by certification. They have occasionally abolished one of the Deputy Inspectors-General, I believe. (Mr. Loveluck.) Yes, that is so, in 1926 and 1927. (Sir Robert Dodd.) But there have been a large number of motions for reduction, which have not been carried in the Council; the Government has got through with a very small majority, thanks to the official bloc. On one occasion there was a motion for the reduction of the whole demand, which was carried to a division, and on that occasion all the Nationalists voted with the Swaraj party in the division for the cut. I think what we refer to here is rather the tendency of the Government to fear expenditure in Police matters, because it is unpopular and causes unpleasant debates in the Council, and difficulty in putting up a majority to put the scheme through. In other words: "The wicked man fleeth where no man pursueth."

1266. So far as the United Provinces are concerned, is it a fact that the Government earmarked one crore of rupees for Police duties?—That is a fact. A crore of rupees was obtained on loan from the Government of India for Police buildings, to be spread over a period of, I think, 10 years, and a large amount of that was spent; but it by no means met all the needs for rebuilding the police stations and outposts and other buildings.

1267. You are probably familiar with the following estimate of the work of the Police Department in the Memorandum submitted by the Government of the United Provinces: "This brief *resumé* of the budget discussions is sufficient to prove the truth of what was said above, namely, that the Council has been unsparing in criticism, but has had a sufficient sense of responsibility not to use its powers to cripple the Police administration. Am I right in concluding that, at least so far as the United Provinces are concerned, the attitude of the majority of the members of that Council

has been one of support for the legitimate demands and requirements and needs of the Police Department?—(Mr. King.) Sir, it is rather faint praise to say that you have not crippled the administration, but I believe the United Provinces have been better in this respect than most other Provinces in India. I would not associate myself, as far as the United Provinces are concerned, with this remark about the housing of the Police, which has been considerably improved in the United Provinces.

Sir A. P. Patro.

1268. Will you please remember that, in the case of Madras, they are the best of the lot?—(Sir Francis Griffith.) May I mention the case of the Bombay Presidency. In one of our Headquarters there the men sleep out of doors whenever it is not raining for fear that the roof should fall in upon them.

Sir Austen Chamberlain.

1269. May I interpolate a question? Is the purpose of the evidence which has just been given to show that, under present conditions, the Police are not sufficiently protected or efficient?—To show that we are being starved of funds.

1270. It is not a danger which you fear under the new conditions, but a condition existing under the present regime?—Which will continue, we feel, with greater ease, because there is no official bloc.

Earl Winterton.

1271. In supplement of that, might I also ask, arising out of Sir Austen's questions, if this state of deplorable affairs has not existed for very many years?—It has.

1272. Even before 1919?—Yes. (Mr. Loveluck.) I have a report here which shows that, in 1919, a Deputy Inspector-General condemned some huts which the Police were occupying as not fit for the scavengers, and the local municipality would not allow them to be occupied.

Sir Abdur Rahim.

1273. It has been said that there is not enough money provided for the Police administration. Is it not also the fact that the other Departments also complain in the same way, Education,

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Health, and all that? Is it not a fact that other Departments also complain?—They all complain, it is true, but so long as men, who have been trained by the Government at a very heavy cost to become Bachelors of Agriculture flock to the Police and tell us that they have, all along, desired to serve in our Department, surely that shows, and we believe it shows, that money is being wasted.

1274. They are sure that they can earn money in the Police Department and not in other Departments?—No, that is not my point. My point is that it is a waste of money for the State to train a man to be a specialist in agriculture and for him, finally, to come to the Police, where milking is not encouraged.

1275. Is it your opinion that the other Departments are sufficiently provided with money, such as Industry, Agriculture, Health, Education, and that it is the Police who are starved?—Sir Charles Stead.) It is the Police who are starved.

1276. And the others are very well fed?—I do not say they are very well supplied, but relatively the Police have been starved. I have, myself, gone with a request for money for Police funds to the Government, and have been told very straight: "You are not a beneficent Department."

1277. Is it not a fact that the Police expenditure has been going up in most Provinces from year to year?—So has the population. (Sir Robert Dodd.) No; in the United Provinces in the last ten years it has actually decreased.

1278. In other Provinces?—(Sir Francis Griffith.) The policeman in Bombay costs one-ninth of the cost of the policeman in England and Wales; he is cheap.

1279. I want to know about it in India itself. Has not the Police expenditure been going up from year to year?—It has had to rise. The pay of the men had to be put up, but actually, in Bombay since 1922 we have retrogressed.

1280. I want to draw your attention to paragraph 15 of your Memorandum, sub-paragraph (2). You say: "that he should secure:—(a) that no legislation is passed, and that no rules are made, which will diminish the present powers of Police officers under existing Police Acts and rules." Have you any specific powers in view?—(Mr. King): We have the general sum of our powers in view. We do not mind a slight alteration here

or a slight alteration there, but we do not think that the general sum of our powers should be reduced; in fact, we think they are the lowest that we can possibly work with at present.

1281. Are all the powers of the Police officers to be found in the Police Acts and rules?—No; there are some in the Police Acts, some in the Criminal Procedure Code and some in the Arms Act.

1282. So you do not want that those Acts should be amended in any way?—Not at all.

1283. I want to know what your position is, exactly, regarding that?—Our position is that these powers were given us very many years ago at a time when Police work was far less difficult than it is now, and when the reputation of the Police was far worse than it is now. They were intended then to be the absolute minimum that we could be expected to work with, even in those days. If they are reduced now, we shall not be able to carry on under modern conditions.

1284. Do you not think it is possible that, with the passing of time, some powers may have to be modified, some may have to be diminished, and others may have to be added?—Quite. We do not mean that every particular power should be kept crystallised, but we want that the general sum of our powers should not be diminished.

1285. That is to say, you are to retain them; the Police have enough powers to discharge their duties?—Exactly.

1286. That, I take it, any Legislature should bear in mind?—Precisely, that is what we argue.

1287. Then I come to sub-paragraph (b). You say in the second part that the "conditions of service of future entrants are not revised in a manner that would encourage corruption or endanger the efficiency and trustworthiness of the Force by creating a general discontent or by destroying the quality of recruits." I want to know your opinion: Whether you do not think that the Legislature, or a responsible Minister, passing an Act which affects the Police administration would have that in view, or do you think they would deliberately pass an Act which would encourage corruption?—No, we hope not.

1288. Do you think they are likely to pass an Act which, in their opinion, would encourage corruption or inefficiency?—No, but it might have that effect.

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1289. I mean, who will be the judge?
 —The Governor.

1290. Not the Legislature or the Ministers—that is what I wanted to get out?—No; the Governor will be the judge whether he has to interfere under this sub-paragraph.

1291. You would not let the Ministers or the Legislature judge whether their Act would have such a tendency or not?—They must judge that in the first place, before they introduce the legislation. If they introduce legislation which, in the opinion of the Governor, will endanger the efficiency of the Police, then the Governor can step in, under this suggestion.

1292. That is to say, if his opinion differs from that of the Legislature and of the Ministers?—Exactly.

1293. Now the next paragraph, (c), is: “that the strength and armament of the Police are kept effective.” Do I take it that you do not suggest that the Legislature would pass an Act, or take any measures, which in their opinion is likely to make the strength and armament of the Police ineffective?—It is not a matter of their opinion; it is a matter of the Governor’s opinion in this particular case. We hope that the Legislatures will not interfere with the strength and armament of the Police so as to make them ineffective, but if they do, we want the Governor to interfere.

1294. That is to say, the opinion of the Legislatures and of the Ministers on such a vital matter would always be subject to revision by the Governor. Is that your opinion?—Yes.

Sir Hari Singh Gour.

1295. I understand from the Police Witnesses that they wish to maintain the present efficiency of the Police administration in India. Is that not so?—(Sir Francis Griffith.) Yes.

1296. Have they compared the present efficiency of the Police administration in India judged by the test that it is an instrument for the prevention and detection of crime with reference to the police administration, let us say, of the United Kingdom?—I cannot follow the question, I am sorry.

1297. Have you judged the efficiency of the administration of the Indian Police as compared with the administration of the Police in the United

Kingdom?—We make statistical comparisons, but they are not of much avail, not of much use.

1298. Would you kindly inform the Committee what percentage of reported cognisable crime is brought to justice in India as compared to the percentage of such crime as is brought to justice in England?—(Mr. Loveluck.) The statistics are kept differently. Several of us have been through Scotland Yard, through a post-graduate course of Police training, and we find that statistics are kept entirely differently. Certain offences in England are not registered in the same way as they are in India. It would be impossible to get any comparative statement which would have any value at all. (Sir Francis Griffith.) Further, any comparison of that nature would be completely fallacious because of the difference in conditions. In England the man in the street is definitely and openly on the side of law and order, whereas in India he is nothing of the sort. He is a free agent to watch his neighbour’s house being burgled, and he feels he has no obligation whatever to intervene. I speak from experience.

Sir Hari Singh Gour.] That may be an explanation, but I wanted to ascertain the facts first. What percentage of reported cognisable crime is brought to justice in India?

Sir Samuel Hoare.] Is it worth pursuing a question of that kind? Sir Hari Singh Gour has heard that the statistics are quite differently kept, and he must know himself that the conditions are totally different. I should have thought a point of that kind would have very little to do with the evidence we are hearing this morning.

Sir Hari Singh Gour.

1299. Supposing the future Ministry in India wanted to improve the efficiency of the Police, and wanted to overhaul the entire police administration of the country, would you have any objection to the Ministry doing so even if it did affect the present method of administration of the police in the country?—I am not in a position to say.

1300. In what condition was the Lee Commission appointed in 1924, and have you considered that the recommendations of the Lee Commission which you wish to perpetuate in favour of the members

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of your Service were not made for all time?—What is the question?

1301. The question I put was that there is a demand made in your Memorandum that the concessions granted by the Lee Commission should be continued? Is it not so?—Yes.

1302. Have you adverted to the fact that the recommendations of the Lee Commission were not intended to be operative for all time?—(Mr. King.) We have no evidence to that effect. There is nothing, I think, in the Lee Commission Report to say so.

1303. You have in your Memorandum demanded that "statutory provision should be made" (I refer to paragraph 15, the last sub-paragraph) "requiring the previous sanction of the Governor to the entertainment in any Court of any suit, prosecution, or any other legal proceedings in respect of any act alleged to have been committed in the discharge of official duty." Would you like that the Code of Civil Procedure should be amended so as to bring your recommendation into line with the future law?—(Sir Charles Stead.) Certainly; that or any other legal method of securing the result.

1304. Are you aware that that is not the present law in India?—I am quite aware.

1305. You want therefore to stiffen the law in your favour?—Certainly.

1306. What are your reasons for doing so? Have you no confidence in the administration of justice in India?—In the Punjab certainly the police have little confidence in the High Court, or the Judiciary generally. It is also a fact that the practice of filing civil suits against police officers has increased considerably in the last two or three years. In the period 1922 to 1930 I think the average was about one and a-quarter civil suits per annum against police officers for acts done in the course of their official duties.

1307. Is it not a fact that many of these suits are defended at the cost of the Government?—It is a fact. You have not allowed me quite to finish my answer. I gave you the period 1922 to 1930. Since then there has been a rapid increase. I will give you the exact figures. In 1931 12 civil suits were filed against police officers in the Punjab. In 1932 13 such suits were filed. In the present year, up to May, no less than 10 civil suits have

been filed against police officers in the Punjab.

1308. How many of them are defended at the cost of the Government?—They have all, so far as I know, been defended at the cost of the Government, but they are none the less harassing to the persons sued.

1309. If the previous sanction of the Governor is given to the institution of a suit would you still then expect that the cost of the defence should be borne by the Government?—It depends entirely on the circumstances of the case.

1310. You have at the present moment a very salutary safeguard, namely, that if the Government is of opinion that it is a suit that should be defended at the cost of the Government the Government defray the cost of defending the suit against a police officer, but you want a statutory guarantee in future of a sanction by the Governor, but say nothing at all about defraying the costs of defending the suit in that paragraph?—We certainly desire the Government to continue to pay the costs of the suit.

1311. In other words, the Governor would say that it was a just case in which the police officer is being prosecuted?—He would not say that.

1312. "And, being a just case, I am going to pay for his defence"?—He need not necessarily say that. He may say, "This is a case in which I really do not know whether it should proceed or not." If he was at all doubtful the Governor would pay the costs.

1313. Take the other case in which he finds that there has been a flagrant dereliction of duty, and the Governor therefore decides that he should be proceeded against?—Yes.

1314. Do you want that when the Governor has recorded his sanction—he is not bound to give any reason for it?—No.

1315. He should first be convinced that it is a just case for prosecution, and then defray all the costs of the defence?—No, certainly not.

1316. Then what is the position? If the Governor once decides that it is a just case for a prosecution, would it not prejudice the police officer in the conduct of his case before a Law Court? As a practical proposition I ask you that question?—We would be content to accept the disadvantage that you mention.

1317. Some of you informed the Committee that the people in India do not

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look on the police in the same light as they do in the United Kingdom. They do not co-operate with the police to the extent the people do here in this country. Is that so?—(Sir Francis Griffith.) Certainly.

1318. What are the reasons for it?—(Mr. Loveluck.) Public spirit is not quite so prominent, I imagine.

1319. Is it not the fact that the police in India is not so popular as the police in England?—Whenever a police station is to be abolished there is a tremendous outcry in the area that it should not be abolished. I do not know whether that shows that they are fairly popular in certain areas?

1320. I am dealing not with the system, but with the administration and the popularity of the police as such?—I think the whole system of running things has been so different in India. They have not yet got the ideas that we have gradually got.

1321. That is quite right. Therefore if the Indian Ministry decides to assimilate the Indian police system to that prevailing in the United Kingdom, and make the policeman the real friend of the people that he is here, would you have any objection to changes in that direction?—(Sir Francis Griffith.) It would have to start by paying him nine times as much.

Sir Hari Singh Gour.] That is his lookout. I am not dealing with that question just now. I am asking you would you have any objection to a Ministry re-organising the Indian police with a view to making it an instrument as popular with the people as the police in England is to-day?

Sir Austen Chamberlain.] Surely that is the kind of question which cannot be put with any usefulness to a witness. We should all be delighted to see every police force popular, not only with the masses of the population, but with the gentlemen whom they have to arrest. If you ask whether we wish them to be so, there is only one answer, but we get no further with questions of that kind. They are really not helping us.

Sir Hari Singh Gour.] I put the question with this object. If the demands of the police, as stated in the Memorandum, are acceded to it will deprive the Indian Ministries from re-organising the police to the extent they would desire for the purpose of making it an effective instrument for the prevention and detection of

crime. That is the object with which I put the question. It cuts at the very root of the witness's Memorandum.

Sir Austen Chamberlain.] That is not a question to the witness; it is a statement of opinion by the delegate.

Sir Hari Singh Gour.] I want to ask how they reconcile the objection I have in view, with which presumably they agree, with the demands set forth in their Memorandum? How can they reconcile them? That is the question I wish to put.

Lord Eustace Percy.] If that is to be pursued I wonder if Sir Hari Singh Gour would tell us which of the provisions in paragraph 15 would prevent the re-organisation of the police in any way?

Sir Samuel Hoare.] In any case I would have thought that statements of that kind had much better be made when we come to our discussions later on.

Sir Hari Singh Gour.] Very good, my Lord. I have concluded.

Sir Tej Bahadur Sapru.

1322. Would you kindly tell us what is the percentage of constables in any province who are illiterate? Take any province?—(Sir Robert Dodd.) The number in the United Provinces (I cannot work out the percentage) is that 18,000 in some 33,000 are literate. (Mr. Loveluck.) In Madras they are practically all literate. We do not recruit unless they are literate. (Sir Charles Stead.) In the Punjab it is 50 per cent. (Sir Francis Griffith.) It is 71.4 per cent. in Bombay.

Mr. A. H. Ghuznavi.

1323. What is it in Bengal?—(Mr. Loveluck.) There is no Bengal witness here.

Sir Tej Bahadur Sapru.

1324. What is the scale of salary that is paid to constables in typical provinces in India, translated into terms of currency here?—(Sir Charles Stead.) In the Punjab it is 17 rupees per mensem on enlistment rising to 20 rupees.

1325. That would be about £1 5s. a month. What is the scale of salary of a constable in the United Provinces?—(Mr. King.) Less than £1 a month starting pay.

1326. What is the scale of salary for a sub-inspector?—In the United Provinces they start at Rs.70.

1327. More than £5 a month?—Yes.

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1328. What is the scale for a sub-inspector in Madras?—(Mr. Loveluck.) I think it was three years ago they started at Rs.50 a month.

1329. That would be nearly £4 a month. What is the salary of inspectors?—(Sir Francis Griffith.) Rs.175 in Bombay.

1330. When was the scale of salaries fixed last, roughly speaking?—Within the last 10 or 12 years. (Sir Robert Dodd.) In 1919 or 1920 in the United Provinces.

1331. Do you recollect that the Police Commission of 1902 made recommendations for a substantial increase for the salaries of police officers?—Yes.

1332. That was in 1902?—Yes.

1333. Between 1902 and 1920 when the Montagu-Chelmsford reforms were introduced, what action did the Government (which was at that time not responsible) take?—The pay of the constable in the United Provinces since that time has risen from five or six rupees in 1902 to Rs.13 at the present time.

1334. Now when was the 13 rupees fixed?—In 1920.

1335. That is to say, after the Montagu-Chelmsford Reforms or before?—It had gone up steadily in the years between 1902 and 1920, but in 1920 I think there was a rise of about 2 or 3 rupees.

1336. So that between 1902 and 1920, when the official Government was in charge, they made very slow progress in regard to that?—They very nearly doubled the pay.

Earl Winterton.

1337. Does that apply to every Province?—I am referring to my own Province, the United Provinces.

1338. Could we have evidence on the Provinces generally?—(Sir Francis Griffith.) In Bombay the pay rose from 8 rupees. In 1902 the men were drawing 7 or 8 rupees, and it has now risen to 18 or 19, and in some districts to 20.

Sir Tej Bahadur Sapru.

1339. Will you correct me if I am wrong? My suggestion is, and it is for you to say whether that suggestion is right or wrong, that between 1902 and 1920 the Government might have done a great deal more to improve the salaries of the subordinate police, and they did not do it?—Yes; there is no doubt about that. (Sir Charles Stead.) We all agree

upon that; the Government has not paid the police as much as they ought to have done.

1340. Now between 1920 and 1932 you will remember that there have been periods of great financial depression in every Provincial Government?—Yes.

1341. You say that there has been an opposition to the demand for supplying further facilities of residence for subordinate police, and things of that kind. Will you kindly tell us in how many cases did the Legislature refuse to respond to such a demand at a time when there was no financial stringency and also at the time when there was that financial stringency?—(Sir Francis Griffith.) I never remember a time when there was no financial stringency. (Mr. Loveluck.) I can give you figures from 1921 to 1930 in which there have been cuts, and most of them accepted by the Government. That refers to Bengal.

Sir Samuel Hoare.] If it would save any time, my Lord Chairman, I could put in a note of the occasions on which Police grants have been rejected by the Provincial Legislatures. I have a list of them here.

Sir A. P. Patro.] And the deficits.

Sir Tej Bahadur Sapru.] We would very much welcome that.

Lord Hardinge of Penshurst.] Might I ask Sir Tej, when he mentions the pay of the police in 1902 and 1920, is he aware what the difference in the Revenue of India was between 1902 and 1920?

Sir Tej Bahadur Sapru.] I am quite aware of that.

Lord Hardinge of Penshurst.] It is a very big difference.

Major Cadogan.] And the cost of living as well.

Lord Hardinge of Penshurst.

1342. When I was out in India in 1910, the Revenue was less than fifty millions a year?—(Mr. Loveluck.) May I also say that the question has generally been considered in relation to recruitment. You could not get the men unless you raised their pay. (Sir Francis Griffith.) There is another point that, as each succeeding year passes, the men are able to live less and less on the country.

Sir Tej Bahadur Sapru.

1343. Then probably you will agree with me that, in order to increase the

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efficiency of the subordinate police, you have got to get a better class of men?—Yes.

1344. And in order to get a better class of men, you have got to pay them better?—Yes. (Sir Charles Stead.) I should like to say that as regards the Punjab, we are getting already a very good class of men. All that remains is to give them the pay.

1345. If you are to get a better class of men and pay them better, do you think the chances of the Legislature giving you more funds are greater when the Law and Order and Police are kept out of the control of the Legislature or when an Indian Minister says to the Legislature, "In the interests of the country you must vote funds"? Do you think that the chances of the Legislature giving you greater grants of money are greater with an Indian Minister pleading your cause than they can be with an official Minister asking for them?—(Sir Charles Stead.) As far as my Province is concerned, I should think there would be no difference. At the time I, as Inspector-General, had no real cause for complaint against the Financial Sub-Committee of the Punjab Legislative Council. They always met my demands in a reasonable and even, sometimes, sympathetic spirit.

1346. Now will you please tell me whether it is not a fact that, in certain Provinces of India, during the last 10 or 12 years, the police have been attached to the Portfolio held by an Indian member of the Executive Council?—(Mr. Loveluck.) In Madras that is the case.

1347. I put it to you it is the same in the United Provinces. Take the first Executive member of the Council, who was the Maharaja of Mahamdabad; he was a very prominent Nationalist politician, you will agree with me?—(Mr. King.) Yes.

1348. The second Home member of the United Provinces' Council is the present Governor of the United Provinces, namely, Nawab Sir Ahmad Saïd Khan of Chhitari?—Yes.

1349. A Conservative member and a politician?—We cannot really discuss the political views of our Governor, Sir.

1350. Anyhow, will you please tell me, between the Nationalist Home member and the Conservative Home member in charge of Law and Police, how many occasions have arisen when the Inspector-

General had to go up to the Governor complaining against want of attention and sympathy on the part of the Indian members?—(Sir Robert Dodd.) I had the pleasure of serving for nearly six years with your Conservative member, and I have never had to go to the Governor during the whole of that time complaining of a case.

1351. Do you suggest that the same Home member would be less responsive to you if he was responsible to the Legislature?—Less responsive to me?

1352. Less responsive to you, if he was responsible to the Legislature?—Yes, I certainly think so.

1353. There would be the pressure of the Legislature on him?—The pressure of the Legislature, of the elected members.

1354. That, of course, is a matter of opinion?—Quite.

1355. The experiment has not yet been tried, you will agree with me?—Yes.

1356. I will leave that part of the matter there. Now will you kindly tell the Committee what exactly are the relations between the Superintendent of Police in a district and the District Magistrate?—(Mr. Loveluck.) They differ in each Province.

1357. Take, for instance, the United Provinces or the Punjab; is it the District Magistrate who is generally looked upon as the Head of the Police administration?—(Mr. King.) No, Sir. The District Magistrate is the Head of, and is responsible for, the criminal administration of the district; the Superintendent of Police is the Head of the District Police Force. That is the position in our regulations.

1358. Ordinarily, all information that goes to the Government in regard to any serious situation in a Province, goes through the District Magistrate?—No, it goes up through two channels. On one side, it can go up through the District Magistrate and the Commissioners, and, on the other side, through the Superintendent of Police and the Inspector-General.

1359. If a serious situation arises in a district, who will be the man who will send telegraphic communication to the Governor or to the Home member?—(Mr. Loveluck.) Both will. (Sir Robert Dodd.) The District Magistrate will inform the Chief Secretary and his Commissioner; on the other hand, it is the duty of a

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Superintendent of Police to inform his Deputy Inspector-General, and the Inspector-General by telegram at the same time.

1360. But the Superintendent of Police does not directly wire to the Governor?—No; he has no direct contact with the Governor. (Mr. King.) Nor, I think, has the District Magistrate.

1361. Now, generally speaking, is it, or is it not, the case that the Superintendent of Police received support from the District Magistrate in the maintenance of law and order and dealing with serious crime?—(Sir Robert Dodd.) Or the other way about; the Magistrate receives support from the Superintendent.

1362. Do you suggest that he does not receive support from the District Magistrate?—(Mr. Loveluck.) They receive support from each other.

Sir Tej Bahadur Sapru.] May I repeat that question, my Lord?

Chairman.] If you please.

Sir Tej Bahadur Sapru.

1363. Is it, or is it not, a fact that the Superintendent of Police generally receives support from the District Magistrate in the maintenance of law and order and the detection of crime and the prosecution of cases?—(Sir Robert Dodd.) Yes.

1364. He does receive it?—Yes.

1365. And the occasions are very few when there is a serious conflict between the Superintendent of Police and the District Magistrate?—Very few.

1366. When there is an occasion like that, the matter goes up to the Government?—Yes.

1367. Now what is the fear that you have in regard to that matter, if the police are transferred to the control of a popular Minister? Do you say that locally the Superintendent of Police will not receive any support from the District Magistrate?—I do not think we have said anything about that.

1368. I should like to know whether you have any such apprehension. Have you any apprehension that he will cease to receive any support from the District Magistrate?—No, we have none.

Sir Tej Bahadur Sapru.] But, I suppose, your suggestion is that the District Magistrate and the Superintendent of Police will not receive the support that they want from the popular Minister?

Lord Eustace Percy.] My Lord Chairman, are we not getting into a little difficulty? Sir Reginald Craddock raised a question which some members of the Committee thought was outside the terms of reference, and I thought that the Witnesses had carefully refrained from expressing any opinion one way or the other.

Sir Tej Bahadur Sapru.] I am quite willing to drop the question there, I will not pursue the matter, but I thought that my questions were not directed towards the Witnesses' political opinions.

Sir Austen Chamberlain.

1369. I thought that Sir Tej's question assumed that the Witnesses were averse to the transfer of Law and Order. They have certainly not given any evidence to that effect, and I understood that they did not desire to give evidence as to the expediency or not of the transfer, but only to the conditions that were necessary if the transfer were made. Have I correctly interpreted your point of view, Sir Charles?—(Sir Francis Griffith.) Exactly.

Mr. Zafulla Khan.] It is perfectly true, as Sir Austen Chamberlain has pointed out, that the Witnesses have not taken it upon themselves to pronounce upon the policy whether Law and Order should or should not be transferred, but they certainly have said that in the event of the transfer of Law and Order they have certain apprehensions which they wish to meet, and with all respect, it would seem to me that Sir Tej's questions were directed towards those apprehensions, as to whether they are or are not justified.

Chairman.] I am sure Sir Tej will guard against the point against which we all wish to guard.

Sir Tej Bahadur Sapru.

1370. Yes. I will take the question of appointments. The Indian Police are appointed by the Secretary of State?—(Sir Francis Griffith.) Yes.

1371. The Provincial Service men, the Deputy Superintendents of Police, and people of that class are appointed by whom?—By the Local Government.

1372. They have a competitive examination and also nomination?—There are two methods.

1373. Competitive examination as well as nomination?—There is a third method, promotion.

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1374. Now, so far as nomination and promotion are concerned, in whose hands do they lie at the present moment? Who is the promoting authority?—The Inspector-General reports to the Government and the Government promote.

1375. And, generally speaking, the recommendations of the Inspector-General are accepted?—Yes, they are considered opinions.

1376. Generally speaking, the Local Government accepts them?—Yes.

1377. Would you like the same system to continue under the new Constitution, that the Inspector-General should make recommendations and that those recommendations should go up to whoever has charge of the Portfolio?—Yes.

1378. In other words, I take it your point is that the Minister in charge should not directly appoint anyone, or directly promote anyone or nominate anyone, without reference to the Inspector-General of Police?—What we want to do is to protect the Ministers and, incidentally, ourselves from the overwhelming pressure which we know will be brought upon him by those who are in the position to do so.

1379. May I ask you, have you any reason to apprehend that the Minister in charge of Police will not, ordinarily, consult and be guided by the advice of the Inspector-General of Police on a matter of that character?—That depends entirely, I think, upon the Minister.

1380. It would also depend to a certain extent upon the Inspector-General?—Yes.

1381. Then one of you said, I was rather pained to hear it, let me tell you, that the Police in the Punjab have not sufficient confidence in the High Court?—(Sir Charles Stead.) Certainly.

1382. It must be a very serious affair?—It is.

1383. If it is a fact that the Police have no confidence in the High Court, it must be a very serious affair?—Most serious.

1384. May I put it to you whether it is not a fact that the Police in India are very sensitive about criticism in judgments, and that occasions have arisen when the Police have criticised, in their Annual Report, Judges of the High Courts?—I do not recollect the Police criticising Judges of the High Court, not in my own Annual Reports; I have no recollection of it.

1385. Will you please tell me why the Police are so dissatisfied with the High Court in the Punjab?—I could give you a case, if you like; it will take some time.

Marquess of Reading.] May I suggest to Sir Tej that we shall not really get further in the Inquiry which we are conducting by pursuing that. After all, there must be difficulties; they arise everywhere.

Sir Tej Bahadur Sapru.] I do not belong to the Punjab High Court, I belong to the Allahabad High Court, but every time I will stand up for High Courts, and I want, formally, to say that I must be taken to dissent from the criticism that has been made that the High Courts are not at liberty to criticise the Police or take their own action.

Marquess of Reading.] All I was suggesting was this: It is difficult, of course; no High Court can defend itself; and, therefore, your observations are very pertinent. All I was suggesting was that we really should not get any further by having instances given by the Witness.

Sir Tej Bahadur Sapru.

1386. I do not want to go into those instances myself, but I am only bringing out, is it or is it not, that the Police are over sensitive about criticism in judgments by judicial officers?—We are not over sensitive in the Punjab, anyhow. We are case hardened, if you like to take it that way.

1387. You said something about the Civil suits between 1921 and 1933?—Yes.

1388. Could you kindly give the Committee an idea as to how many of these Civil suits were decreed and how many were dismissed?—I cannot. The statistics given to me do not mention it.

1389. All you mention is the number of cases filed against British officers, but you cannot say what happened with regard to those cases?—I can only tell you with regard to one case.

1390. I want simply the number?—I cannot tell you.

1391. There is only one more question that I will put, and that is this—I will put the question generally: What is the attitude of the masses in the villages towards the subordinate Police in India?—I will answer for my own Province.

1392. Yes. I should like some of you to give a reference to other Provinces also?—In the Punjab the attitude of the people in the villages to the Police is

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daily becoming more satisfactory. We can, in the Punjab, get very ready co-operation in our task of suppressing dacoits and other very dangerous criminals. The villagers never fail to turn out when the Police fight an action with dacoits; they never fail to turn out to assist the Police in those actions. I have known villagers to be killed in assisting the Police. In the Punjab the attitude of the villagers to the Police is most satisfactory.

1393. It is not hostile?—Certainly not hostile.

1394. What about the United Provinces?—(Sir Robert Dodd.) Although at one time the attitude of the public towards the Police was very hostile, I consider that year by year there has been an improvement in this respect, and there have been instances, which have been recorded year by year, of ways in which the public have co-operated with the Police, as in the case of the Punjab, in dealing with dacoit gangs, and in other matters.

1395. What about Madras and Bombay?—(Mr. Loveluck.) Madras has been going forward in the same way, I think, but it is due to the increase in the amount of rewards given for their assistance. Going round with their officers and talking to them and trying to educate them up to this idea has improved matters.

1396. What about Bombay? — (Sir Francis Griffith.) As regards Bombay, the position was slowly getting more and more satisfactory until 1930 which, of course, set the clock back. No policeman was safe anywhere by himself in 1930 and 1931 because of the extraordinary success of the Civil Disobedience non-violent movement, but the position is certainly improving now. But I think, had it not been for the unfortunate stoppage of patrolling in 1922 as a measure of economy, the relations would have been better than they are.

1397. On the whole, therefore (I will come to Bengal later on), am I entitled to draw this inference, that the attitude of the masses towards the police has improved in these Provinces?—Yes. (Sir Charles Stead.) Yes.

1398. And that shows a greater sense of civic responsibility on the part of the masses?—Yes.

1399. What about Bengal? — (Sir Francis Griffith.) There is nobody here

from Bengal. (Mr. Loveluck.) I have had one or two Members of the Bengal Service on our Committee and they are more strongly opposed than we are to any alteration in the present conditions. They say they could not continue to work or maintain law and order under the proposed regime for more than two or three months.

The Marquess of Salisbury.

1400. I wanted to hear exactly what you said that is very important?—I tried to get one of our officers from Bengal to appear on this deputation or delegation and he did not want to come. I do not know whether he was nervous or what it was, but I could not get him to come.

1401. I do not want to press you, but are you at liberty to say why he did not want to come?—He had two or three reasons. I think perhaps he would rather not have them explained. He was of opinion that it would be utterly impossible to work the reformed Constitution in Bengal and he said: "I am very definitely of that opinion." We do not want to give any answer one way or the other. We do not know. It is purely hypothetical.

Sir Tej Bahadur Sapru.] I have nothing more to ask.

Mr. M. R. Jayaker.

1402. In the course of your Memorandum and also in the course of your comments this morning you suggested that attempts had been made by the Provincial Legislature to cut down the Provincial police budget. Did I understand you aright? — (Sir Francis Griffith.) Yes.

1403. How far was this attempt due to the general financial stringency of the Province and how far to any special unpopularity of the Police Department?—It is impossible to say.

1404. Do you say it is due to any special unpopularity of the Police Department?—No.

1405. Or is it more due to the general financial stringency of the Province?—Certainly there has been less to distribute.

1406. Is it your complaint that your Department, the Police Department, is specially unpopular with the people of India?—It has been starved of funds.

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1407. Do you attribute that to the unpopularity of the Police? Do you attribute this cutting down of the pay and the starving of your Department to any special unpopularity of the police with the people of India?—I think they regard the police as more or less unnecessary.

1408. Can it not be that you are regarded as an important limb of an unpopular system of government?—Possibly.

1409. And do you not think, when a system of government becomes more popular, this unpopularity will gradually disappear?—That is a moot point.

1410. What is your opinion?—I do not believe the police will really become thoroughly popular until they become more or less inefficient, because what is wanted in India is a Police Force that is not rigid, but a Police Force that will bow to the desires of persons who want them to do things. That is my belief.

1411. What I was going to put to you was that when education grows and the duties of citizenship are more understood by the people, and also when a popular Minister controls the Police Department, the popularity of the Police Department will increase?—Undoubtedly.

1412. Therefore you do not think the unpopularity of the Police Department is a constant or permanent factor?—I do not think so, no.

1413. May I draw your attention to paragraph 16 of your Memorandum: "We recognise that our first line of defence against the undermining of police discipline must be the good sense of the new Government." Have you any serious apprehensions that the new Government, when it is placed under responsible Indian Ministers, will not accord to you this good sense?—I am not a betting man; I do not feel inclined to venture an opinion upon that point.

1414. I am not asking you about betting; I am not a betting man myself; but, taking the tendencies which you observe and which you have just admitted in your previous answers: the growth of education, a popular Minister taking charge of your Department, and all such other tendencies, I am asking you whether, giving scope to all these tendencies, do you think that the future Government of India will not show you this good sense? Have you any serious apprehension that it will not show you this good sense?—It is impossible to say.

When the Utopia you refer to has been achieved then I should have no objections whatever and no reasons for any of these protections.

1415. You cannot be positive that it will not show you this good sense?—Certainly not.

Sir N. N. Sircar.

1416. I have one question to ask. I draw your attention to paragraphs 11 and 14; I am offering no criticisms about the statements made. I want to get the opinion of the Witnesses on paragraphs 11 and 14. In paragraph 11 you point out certain apprehensions about the Police being unaffected with this caste question and so on. In paragraph 14 you offer certain observations about public services commissions. What I am asking you is this: Supposing your apprehension as contained in paragraph 11 is correct, about which I say nothing, and taking an absurd case like this: The Government of the United Provinces as then constituted says: "We want 50 Inspectors. Forty of them must be Hindus, one of the Depressed Class, and one a Muhammadan." That can be prevented by the Public Services Commission. Can that be prevented by the Public Services Commission, or are the Public Services Commission only to find out who are the suitable men who are wanted for particular jobs as indicated by the Government?—I find it very difficult to answer. I do not quite see the point.

1417. The point is this: Do you apprehend (about which I say nothing) that there may be questions of these communal troubles coming into the Police and the policeman regarding himself as a member of a particular caste, and so on? Supposing the Government is inclined to put in a very large number of Hindus or Muhammadans, as the case may be, can that be stopped by the Public Services Commission?—The Public Services Commission does not deal with many appointments. It deals only with one or two. There is no suggestion that the Public Services Commission should appoint the Constabulary, I think, or Sub-Inspectors, even.

1418. If the Government agrees?—I am sorry. I simply cannot follow the reasoning.

1419. I am not putting any reasoning to you. I am asking: Can the danger of the police service being run on com-

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munal lines be stopped by the Public Services Commission if the Government is bent on doing it?—No, I do not think it can.

Sir A. P. Patro.

1420. May I take it that paragraph 15 summarizes all the safeguards that you want?—(Mr. Loveluck.) Speaking generally, yes.

1421. Is it in substitution of the safeguards specified in the White Paper, or is it an addition to the safeguards already specified in the White Paper?—(Sir Robert Dodd.) They are not an addition. We say they make the safeguards in the White Paper duly explicit. We say that this connection which should exist in the Governor's mind between his special responsibilities and the internal administration of the Police should be defined in the way we have suggested in this paragraph.

1422. In other words, the special powers of the Governor you want to be defined more clearly to bring out the suggestions you make in this paragraph?—We want it to be more clearly shown

to him how he should use the discretion which the White Paper will best indicate, in any case.

1423. You remember the White Paper has conferred on the Governor powers as to how he could administer peace and tranquillity in the Province. The method has been specified in the White Paper?—I am afraid I do not follow.

1424. The White Paper gives the Governor power to intervene in cases of maintaining peace and tranquillity?—Yes.

1425. And it leaves to his discretion to intervene in certain circumstances?—Yes.

1426. Do not you think that is sufficient?—No, because the trouble is that these things that will undermine our efficiency are all in themselves small things. It will be a gradual process of deterioration. That is what we are afraid of, and unless the Governor can be strengthened by being told that he has to look at these small things, we are afraid that political expediency may prevent him from interfering when he should.

(After a short adjournment.)

Mr. Joshi.

1427. I have one question. In paragraph 14 you are suggesting that you should be free from the interference by the Public Services Commission in the matter of promotion, transfer and discipline, so far as the subordinates are concerned, and in that paragraph you have given your argument for that suggestion. Your argument is that "it is largely by having these matters in our own hands that we maintain our authority." You want to be free from the interference of the Public Services Commission as regards promotion, transfer and discipline, because you fear if interference takes place, your authority with the men will suffer. Now the question which I want to ask you is this: You also similarly claim that the Ministers should not have full authority over the Services under them; I want to ask you will not the authority of the Minister suffer if they have no full control over the men under them?—(Sir Francis Griffith.) But the men are not directly under them. In any administrative scheme, if orders are given by one man to people who are not immediately below him but below somebody else—at least between him and

them, obviously, the whole administrative machine must suffer.

1428. The Inspector-General of Police will be under the Minister?—Yes.

1429. And if the Minister has no control over the promotion, transfer and discipline of the Inspector-General of Police, his authority on the same argument as you have used, will suffer; he will find it difficult to maintain his authority?—But the Inspector-General cannot be transferred.

1430. As regards discipline?—He can hardly be disciplined.

1431. Why?—He must either go or be trusted. There are no half measures, I think, where he is concerned.

1432. Then I ask you another question. When you say that you should have full control over the subordinate services under you, do you preclude appeals to a higher authority?—No, certainly not.

1433. Then there is one other small question. You are claiming your right to have Medical Services by European doctors maintained. You visualise that when the Police Service is more and more Indianised, the cost of providing the Medical Services through European doctors will proportionately be more per

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police officer?—I do not quite follow; I am sorry.

1434. If the number of police officers is reduced, the European Services are reduced, and you insist upon the same Medical facilities to be retained, the Provinces will have to pay more per European servant for their Medical Services. The cost will increase?—Yes, but my point was that the British officers are not by any means the only people who will benefit by the presence of the British Medical Officers.

1435. It is true, but if the Indianisation is to take place, it will also take place in the Medical Services, and you are claiming, really, that by insisting upon retaining all the Medical facilities to European doctors, you are preventing the Indianisation of the Medical Services also?—The Indian Medical Service has been Indianised, to my knowledge, for 30 years, more and more.

1436. Your claim is that it should not be?—It is more a question of training, not a question of who occupies the position.

1437. Am I right in thinking that what you want is expert medical advice and not European medical advice?—I think that is more the point, but, of course, there are a great many people, especially where ladies are concerned, who are very anxious to have people of their own community, which is very natural.

Lieutenant-Colonel Sir H. Gidney.

1438. My Lord Chairman, I want to ask the Witness whether he is aware of the fact that in Bengal to-day an Indian is the Police Medical Officer?—I had no idea of that.

1439. Are you aware of the fact that from a census taken in Bengal of the leading Indian gynaecologists 90 per cent. of their patients are English ladies?—No, I am not.

Lieutenant-Colonel Sir H. Gidney.] Judging from the whole of your report, it seems to me, rightly or wrongly, that you conceive of your Service as one that should be a reserved subject in a Province.

Chairman.] Are you not approaching in this matter the question of the political opinions of the Witnesses?

Lieutenant-Colonel Sir H. Gidney.

1440. No, Sir, I wanted to ask the Witness whether it is the desire of the Police Association so to protect their

future as to render it more or less a Government within a Government; in other words, to make it sacrosanct from the interference of the Ministers and others, except the Governor. Is that your intention?—To the degree stated in our case, certainly, but not beyond that.

1441. Are you aware that the White Paper provides for the formation of Provincial Public Service Commissions?—Yes, we have dealt with that.

1442. Are you aware that, in former years, most appointments, even those at the gift of the Councillors of the Viceroy, are now in the hands of the Public Service Commission?—Yes.

1443. What serious objection have you to appointments such as Inspectors. I mean the upper subordinate appointments and Deputy - Superintendents, being made by the Provincial Public Service Commissions?—We have already stated that we have no objection to their having to deal with the appointments of Deputies; the appointment of direct Inspectors is unknown, and as regards Sub-Inspectors, we claim that we, ourselves, are better judges of what we want than they can possibly be. That is our sole objection.

1444. You are aware of the present Bill that is before the House of Commons, the Metropolitan Police Bill?—Yes.

1445. You are aware that it practically revolutionises the recruitment of the Metropolitan Police?—No, I do not agree.

1446. It alters it considerably?—I do not know that it interferes at all with the recruitment of the force.

1447. You made a statement this morning that your one reason was to rid the Minister as also the Inspector-General, of persecution, of demands for appointments. Would you not relieve them of this persecution, if you allowed the Provincial Public Service Commission to make these appointments?—It might minimise, certainly, the pressure on the Minister.

1448. Are you aware that you will be the only Department in the Government that will have this right? There is no other Department; not even the Clerical Departments of the Government of India who are not appointed by the Public Service Commission?—Yes, that may be.

1449. And you think that by retaining this to yourself, you would improve efficiency?—Yes. I think that the next step will be to ask the Public Service Commission to man the Army.

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1450. I am not talking of the Army, because that is entirely outside my mind, nor do I think there is any need for it to enter into yours. My other question is this. You made a statement to-day about the necessity of the Inspector-General, or the Police Commissioners of the Presidency Towns having direct access to the Governor. Would you be satisfied if a clause were incorporated in the Constitution to this effect: That the Governor would have the power of sending for the Head of every Department when he thinks it is desirable?—That would be a ridiculous inclusion, because I think it stands to reason.

1451. Would you object to it?—I think it would be tautological; it would be absurd.

1452. Why?—Because, surely, the appointment of a Governor includes the right to issue orders to those subordinate to him.

1453. I mean, he should have the right to send for him on any matter of peace and tranquillity?—But that, to my mind, is painting the lily; he has it already.

1454. Would you prefer, instead of that, that the Inspector-General of Police should, in all Provinces, be the Secretary of the Police to the Provincial Government?—We have asked that that should be the case.

1455. You would like that in every Province?—We have asked for that, yes.

1456. And do you not think such power given to the Inspector-General would seriously undermine the status of the Minister?—It is no power we ask for; it is simply facility for access to the Minister.

1457. Would that not be met, if the Inspector-General told the Minister and the Minister told the Governor?—It would not be the same, because if the Inspector-General were Secretary, he would be behind the scenes, and not be faced with a *fait accompli*, as so often happens, which is so difficult to upset.

1458. On the question of appeals, you said that any appeal could be sent to the Local Government. In such appeals is it, or is it not, a fact that the Local Government send it back to the Head of the Department?—I do not quite follow.

1459. I will illustrate it. An Inspector of Police has a grievance against an Order of the Deputy-Commissioner of Police, or the Commissioner of Police, or the Superintendent, and it goes to the

Local Government?—May I first state that, neither the Deputy-Commissioner, nor the Superintendent of Police, has any authority to punish an Inspector.

1460. We will say he has been punished by the Inspector-General. He appeals against that punishment to the Local Government. Is it not a fact that the Local Government sends it back to the Inspector-General for his opinion?—It may, yes.

1461. But is it not the practice always?—The Government sends for the papers of the case; they do not decide a case *ex parte*; they do not decide the case entirely upon the appeal of the Inspector, who makes himself out, of course, to be a sort of archangel; but they send for the papers of the case, and the Government see the papers and the evidence and decide the case.

1462. As to whether the Police Inspector or the Inspector-General are archangels or not, is it not a fact that the Inspector-General's advice is taken in nine out of ten cases?—I do not think that it is.

1463. There is no member of your Deputation who is representing Bengal?—No.

Mr. Morgan Jones.

1464. My Lord Chairman, might I ask the Witness to look at the Appendix, the Summary of Recommendations, it is simpler, perhaps. Would you look at paragraph 1, the last four lines, that "they should have no voice in the promotion of officers from the Subordinate to the Provincial Police Services." Would not the Witnesses agree that, from time to time, cases might arise where an individual officer may feel a sense of personal grievance on some account, either that discipline has been applied wrongly to him or that his claims to promotion have been overlooked. Is there any machinery available now whereby such an officer can present his claims?—(Mr. King.) Yes.

1465. And would you not agree that it would be desirable, in future, that the Public Services Commission, or some such body outside the police body itself, should act as a final Court of Appeal in cases of that sort?—I do not think the idea is anywhere stated in the White Paper that they are to be a final authority in these matters. The idea that we gathered was that they were merely to be consulted by the Local Government, and we have no objection whatever to

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the Local Government consulting a Public Services Commission in appeals that go before them. I think we have said that.

1466. But the point that I wanted to make was this: As I understand it, the point of this paragraph is that in respect of officers below certain grades, discipline and that kind of thing shall be controlled by a superior police officer. There may be grievances concerning injustice, or alleged injustice?—Yes.

1467. Would it not be desirable to have a body outside the police to which an appeal could go finally to redress that grievance?—They already have their appeals to the Local Government, and if the Local Government wish to consult the Public Services Commission, we have no objection to that at all.

1468. The next point I want to ask is on No. (2), sub-head (a). It reads: "that no legislation is passed, and that no rules are made, which would diminish the present powers of police officers under existing Police Acts and rules." Do the Witnesses not think that if that proposal were accepted it does not make sufficient allowance for changes that may prove to be desirable as a result of acquired experience?—These powers that we at present possess are very old, mostly. Very little change has been necessary in them for very many years. We do not think that it will be practicable to reduce the sum of these powers, or that it will be necessary to change them to any extent.

1469. That may be, but suppose, in practice, the Government should feel that experience dictates certain changes, if your suggestion is accepted, no such change could take place on the initiative of the Government unless the Governor agreed. Is that not so?—That is what we want. If the Governor agrees, well and good.

1470. Is not that, in point of practice, a limitation upon the transfer of Law and Order?—It is only a limitation such as we suggest in our conclusion any Government must impose on its interference.

1471. I will accept that answer. Now will you go to paragraph 3, please: "Statutory protection should be given to the police of all ranks against Civil suits or prosecutions." Do not you think that it is desirable that individual citizens who may have a claim against an individual officer in respect of, say, an

assault, should have some sort of appeal?—I am sorry, Sir, I did not quite get that question.

1472. Let us suppose that a civilian alleges that a police officer in the execution of his duty has made an assault upon him and done him personal violence?—Yes.

1473. As I see it, you desire statutory protection against such suits?—No, Sir, not at all. We only want protection against obviously frivolous suits.

1474. You do not say frivolous; you say prosecutions for alleged acts done?—No, but we think there would be no difficulty. No Governor would refuse such sanction in such a case.

1475. Then you do not mean exactly what you say in paragraph 3?—I am afraid we have rather shortened it there. I think in the original paragraph—

Mr. Morgan Jones.] I will not press that point.

Sir Austen Chamberlain.

1476. I am interested in this point. Which is the original paragraph where your full view is stated?—(Sir Charles Stead.) Paragraph 15 (2) (e). (Mr. King.) It is the last sub-paragraph of paragraph 15.

The Marquess of Reading.

1477. It requires the previous sanction of the Governor?—(Sir Robert Dodd.) It starts with the words, "We also ask."

Mr. Morgan Jones.

1478. If that is the paragraph you are referring to, I am not quite sure it meets my point. Let us take the assumed example. Suppose an individual alleges that he has been attacked, shall we say, while a prisoner in a gaol, by a police officer?—(Mr. King.) Yes.

1479. Would you desire to safeguard the police officer so charged from any prosecution in the Court in respect of the alleged assault?—Certainly not, Sir.

1480. That is all I want. I need not bother any more. Paragraph 6 is: "Steps shall be taken to ensure that district authorities have no more difficulty than they have now in obtaining military support in an emergency." Would you be good enough to tell me what is the present arrangement as to the district authorities in respect of securing military support?—I am afraid I personally am rather doubtful as to the legal position, but, in practice, supposing a disturbance is anticipated, we

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can always, by a sort of friendly arrangement, where there are troops, have demonstrations made and obtain minor assistance of that kind. We are rather afraid now that that may be more difficult.

1481. Do you desire that, instead of securing the assent and co-operation of the responsible Minister, the police shall short-circuit him, as it were?—No, Sir, We are afraid of the Army not being so willing to help us as they have been in the past because, while they will be under the Central Government, we shall be under a Provincial Government. That is our fear: that we may not have the same co-operation when we are carrying out the policies of Provincial Governments.

1482. It is not your desire to call in the assistance of the military, except and in so far as you have already consulted, successfully or otherwise, the Local Government representative or the Minister?—Yes, that is so. (Sir Robert Dodd.) That is so. (Sir Francis Griffith.) That is, where practicable, because very often it is necessary to act in a great hurry, because five minutes may make all the difference between peace and a riot.

1483. Yes, but you can telegraph very rapidly. Is not the telephone there?—(Sir Robert Dodd.) It is generally the Magistrate on the spot whom you consult. The Magistrate is generally on the spot and it is generally from him that orders are taken before the military is called in.

1484. But, generally speaking, you would not wish to call in the military forces without, as far as possible, consulting the civil authorities?—(Sir Francis Griffith.) We are the civil authority. (Sir Robert Dodd.) You mean the Minister?

1485. Yes?—If one could do so, yes; but as a rule he is too far away.

Major Attlee.

1486. I want to ask you a question or two as to your interesting suggestion in paragraph 18 with regard to the Federal Inspector-General. Will you tell me what is your experience with regard to the police work in Bombay where you have a very large number of Indian States interpolated in a Province: Does it make your work very difficult?—(Sir Francis Griffith.) The only way in which our work can progress satisfactorily is

if we take very great care to get on very good terms and act unofficially with the opposite numbers in the States.

1487. But you do manage?—We do manage.

1488. Take the case as suggested where you are going to have your police force provincialised?—Yes.

1489. In your opinion, would the fact that you are all of one service be sufficient to keep up a proper co-operation, or would there be a danger of divergence of practice?—There might be a danger of divergence. What we are so afraid of is that it will begin so gradually as not to be noticed until it has assumed rather dangerous proportions. That is what we are guarding against by having this Central Inspectorate.

1490. Do I take it that your Central Inspectorate will be more for the purpose of giving information so that in each Province they will have a comparative statement of how their police practice and force compare with other Provinces?—I think our idea is that it should fulfil a dual function: (a) to educate the Provinces, and (b) to keep the Governor-General closely informed in due time before the cloven hoof has had time to appear in any Province.

1491. Do you think it would be impracticable to give any definite executive powers to this Federal Inspector-General?—He could have no executive powers.

1492. Would he also endeavour to keep in touch with the State police forces as well as the Provincial?—We hope that the States will be broadminded enough to accept his aid and to come into the general scheme, but we have been assured this morning that that is chimerical.

Mr. Cocks.

1493. My Lord Chairman, I have only one question to ask the Witnesses, and it is this. In your paragraph 5 you say this: "The fact that it is of equal importance to all parties in the State to keep the Police efficient, and ready to do their duty without fear or favour, does not, however, seem to be generally appreciated by Indians of what is now the Opposition, and will become the governing class. The Police are treated not as the servants of the Law and of the Public interest, but as the hired bullies of the Government in power." In your paragraph 22, you say this: "The

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hostility of the parties most violently opposed to the present system of government in India is concentrated on the Police." I gather that in your use of such phrases as "Indians" of "what is now the Opposition" and "the present system of government" you are bearing in mind the possibility that a better atmosphere in this respect may be created as the result of the establishment of a responsible Government?—(Mr. King.) We hope so. We have said we hope so, but we are not sure.

Lord Hutchison of Montrose.

1494. In paragraph 18 of your admirable Representation you lay down that the whole Representation is based on the Police control becoming a Provincial subject?—(Sir Francis Griffith.) Yes.

1495. You say that there ought to be some central control and you recommend here an Inspector-General?—Yes.

1496. But the Inspector-General will have no executive or administrative authority?—That is so.

1497. Later on you say, towards the end of paragraph 18: "It would be a thousand pities to launch a Federal Constitution without providing it with some machinery which will make for unity in Police administration"?—Yes.

1498. What kind of central machinery have you in mind in order to co-ordinate Police administration in India?—What we meant by that was that if any single Province declines from the standard, that fact should be brought to the notice of the Central authorities without delay and that the Central authorities would then take steps to see that that particular Province was keyed up to the standard. That is our idea, and if that could be strengthened by giving the Central authority some control over the budget of that Province, so much the better.

1499. But is it your view that the Central authority ought to have some more power than purely inspection?—Yes. General superintendence is what we visualise.

1500. You think there ought to be some Central authority with power to control the co-ordination of the Police in India?—What I mean is supervision by the Central Government, who should have some control. The Governor-General has got control over the Governor, and that is how we imagine

that the control will be passed on from the Central Government to the Provincial Government.

Lord Hardinge of Penshurst.

1501. I just want to ask a very simple question; it is a question which has been already raised; it is on paragraph 28. There you have stated: "It is obviously essential that if British officers are to continue to serve in India, they and their families should have easy access to European doctors with British qualifications." I warmly support that view myself, but what is the present position, I would like to know, in most Provinces?—So far as Bombay is concerned, if a man wants the luxury of European attendance, he may have to go a very long way. The Government have given certain facilities in hospitals, but at the same time falling sick is an expensive luxury, much more so than it used to be, and as the number of places at which these facilities exist is reduced, so the cost to the unfortunate victims will be higher and higher. That is what we wish to avoid.

1502. Is that the same in all the Provinces? There are very few scattered about?—I imagine so, yes. (Sir Charles Stead.) Very few.

Marquess of Salisbury.

1503. I would like if I might, Sir Francis, to call your attention back to your evidence in paragraph 2 of your Memorandum, a sentence about the middle of the paragraph: "We can only say that the policy of transferring Law and Order even under safeguards, involves the gravest risks to ourselves, to our men, and to all that we and they stand for, but we are not blind to the advantages of a settlement by agreement which will receive reasonable support in India." That is your considered opinion, is it not?—(Sir Francis Griffith.) Yes.

1504. That is a carefully balanced and very fair statement on one side and on the other, but it would be fair to say that you view the changes with grave anxiety?—Yes.

Marquess of Reading.] Grave anxiety, as I understand, to the Police, to the Service.

Marquess of Salisbury.] No; I think my Noble friend has omitted certain words in it: "involves the gravest risks to ourselves, to our men, and to all that we and they stand for." I do not know whether he noticed those words.

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Marquess of Reading.] Yes, I did.

Marquess of Salisbury.] "All that we and they stand for." I dare not interpret it, I should be touching on the political side. I leave it to the Committee to interpret it themselves.

Marquess of Reading.] All I meant was that that must be taken with the earlier paragraph.

Marquess of Salisbury.] I hardly think it is fair that Lord Reading should interpret if I am not to interpret.

Marquess of Reading.] I am not interpreting it.

Marquess of Salisbury.

1505. (*To the Witness.*) That being your anxiety, I think you have answered the question, but do you think the things you are afraid of will be obviated by the fact that it is under a responsible Government; that the giving of responsible Government will diminish in any way what you are anxious about?—No; I rather hold the contrary view. I do not know if I quite follow.

1506. My question is this: with regard to these matters which give rise to great anxiety, it has been suggested, I think, by one of the Delegation that if you gave responsible Government that would act as a make-weight and prevent these matters from becoming a matter of anxiety. Do you think so?—No, I do not think that that need necessarily follow at all.

1507. That is what I anticipated you thought. Then you say, later on in the paragraph, that certain conditions are absolutely necessary, if the point is to be safely granted. You write: "So important do we feel our suggested improvements of the White Paper to be from the Police point of view that, unless the Government are prepared to carry them out, we doubt whether it will be worth their while to retain an Imperial Police Service in India, and it might be the best course to wind up the Police Service, as a Service, immediately." That is a very strong observation?—Yes.

1508. But that is your considered opinion?—It is our considered opinion, because none of us wants to see a gradual disintegration. We could go out clean if our services are not required. That is what it amounts to.

1509. And you say: "It might be the best course to wind up the Indian Police, as a Service, immediately—a course already favoured, in any case, by a con-

siderable minority among ourselves." So that what that means is that a considerable minority thinks the situation is such that, even with these safeguards, it would be better to put an end to the Imperial Police in India. Is that what it means?—Yes.

1510. That is a very strong observation indeed; the Committee will draw its own conclusion. Now I want to ask you one question about the Public Service Commission. This has nothing to do with anything which is very controversial, but only just to clear something up. I see that you are not prepared to trust a Public Service Commission altogether; you welcome the establishment of them up to a point, but when it comes to questions of promotion, you demur to the Public Service Commission having anything to do with it. Will you explain why that is so?—I suppose it is a species of conceit. We feel "if you want to do a thing well, do it yourself." We say we are better judges of what we want in the way of Personnel than any Public Service Commission can possibly be. That is our main contention.

1511. That is all you mean by it?—That is one point; there are many other points.

1512. Then I would like to call your attention for a moment to what I think one of my honourable friends referred to just now, paragraph 20. I think Mr. Morgan Jones asked you about this: "The opportunity which the police have of availing themselves of the assistance of the Army"?—Yes.

1513. The paragraph states that you hope that these changes will not involve as a consequence a difficulty in getting the Army to act promptly with the Police?—Yes.

1514. Why do you think that the changes might have that effect?—It very largely, in the past, has been a question of pounds, shillings and pence. The Army Department very strongly resent having to pay anything themselves, and their debits are raised against Provincial Governments. That is the only point where there is likely to be any disagreement, and if there is disagreement on one occasion, it naturally follows there will be reluctance to come to our aid in another. I know there was some trouble which occurred in 1921, because I came in for the aftermath of that when we had a situation in Bombay, and I went to the General (the Governor was not pre-

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sent) as time did not permit of my referring the matter to the Government, and I told him that we anticipated serious trouble and that if the troops were not ready, there would be a great deal of damage to property, possibly arson and murder. He said: "Will you tell me that the situation has passed out of your control?" I said: "No, the situation has not yet developed." He then said: "I am sorry; I cannot help you until the situation has passed out of your control." That was an order he had received from higher authority. As I was walking away very crestfallen, he said: "Do not you worry; you will find a regiment will be manoeuvring in that neighbourhood at the time you state," and they were there, and there was no trouble. Now I am doubtful whether that free and easy way of securing protection, which is so important, will be possible under the changed conditions.

1515. Why are you doubtful whether it will be?—Because it is the dual control that is the trouble. Although, possibly, the Police may be controlled by the Local Government and the Army by the Government of India, there is a feeling now that the two Governments are in times of stress and duress one; they know that one will back up the other. I do not know that they will have the same confidence in the future.

1516. You mean, if a responsible Minister of a Province wanted the use of the military it would not be so easy for them to get, as it is now?—I think the Minister would get it, but I think, in nine cases out of ten, one has to call in the Military long before the Minister has any opportunity whatever of expressing an opinion. It is generally a matter of grave urgency.

Chairman.

1517. Perhaps you will tell us in a word just how quickly these emergencies arise and how rapidly they flare up, because some of my colleagues do not know India?—I can quote a very good example in Bombay City. They have there a mill population of close on 200,000 people. One mill went on strike at half-past seven in the morning, and on the snowball principle, one department that went on strike turned out the others until the whole mill was out, and then that mill went and turned out the next mill, and before we knew where we were, that same

afternoon, that is to say, in a matter of some seven hours, we had 95,000 men out on strike—in six hours—and we had the troops in position that same evening.

Marquess of Salisbury.

1518. It was very prompt, you mean?—The situation developed so quickly.

1519. But what I think the Committee would like to know is why you think there would be a difficulty in the future under the new system?—(Mr. King.) The Simon Commission Report refers to the whole question, and explains in paragraph 213 of Volume II why they think there will be difficulty.

1520. If you please. You were going to quote something, were you?—No. I was merely inviting attention to the fact that it is dealt with there.

1521. As I understand it, what the Simon Commission Report said was: "The existing Army cannot, as we have pointed out, be under the orders of the Ministers." Is that the point?—That is the point.

1522. The Army would be part of the Reserved Subjects and under the authority of the Viceroy, and would not be available for the Ministers. Is that the idea?—That is the danger. I mean, that is what we are afraid will happen, and we get support for it here.

1523. You feel quite certain that you could not allow the Ministers to send for the Army on their own motion?—That is not for us to judge.

Marquess of Salisbury.] At any rate, that is the difficulty. Thank you very much. That is all I want to ask you.

Viscount Burnham.

1524. Sir Francis, following up Lord Salisbury's last question, I would like to ask you how far you endorsed the Report of the Statutory Commission when they said in paragraph 213, under the third sub-head: "A self-governing India could not as of right demand the loan of troops of the Imperial Army for Civil purposes, nor would a British Government, which will control that army under our scheme, need any justification for refusing such a demand, if made. One condition, therefore, of a self-governing India must be its ability to maintain, without the aid of British troops the essential of

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all good government, namely, public peace and tranquillity." Do you agree with that?—(Sir Charles Griffith.) Certainly.

1525. May I ask another question which of course Sir Francis Griffith will not answer unless he thinks proper. Whether he thinks it would be possible (I do not think so myself) that there should be in every Province for use in emergency a detachment of a Central Force of Police under the Inspector-General for the whole of India which could be used if serious riots were feared?—Every Province has got its own arrangement to a limited extent. In the Bombay Presidency we have something like 12,000 armed men out of a total Force of about 20,000. Those men are scattered in lots of anything from 300 to 150, and it takes very little time to concentrate up to 600 or so, and they are, as a rule, enough to deal with any immediate situation that may arise.

1526. You do not believe then in the expediency of having any such central force at call?—Not if the Army can be made available; only if the Army is definitely not available then it might be advisable.

1527. May I ask you a question which I have not been able to satisfy myself about, and I daresay you can explain it more clearly to me: What are your relations with what is called the armed police?—They differ in every Province. In Bombay the police are divided into two separate bodies, the armed police and the unarmed police. The armed police are trained to the use of arms; they are employed solely for the escort of prisoners and treasure, and a certain number of them are armed with highly efficient weapons sighted up to 500 yards, and that will really carry to 1,000.

1528. From what source are the armed police drawn?—Sometimes we take them from the Army ex-Service men, but in our Province we take largely Marathas, who are warlike people, and a good many from Upper India.

1529. Does the present system work fairly satisfactory?—Very satisfactorily.

1530. I imagine, taking your precis of evidence, that the thing to which you attach most importance is contained in paragraph 2 of the Appendix, in which you say it should be laid down in the Governor's instrument of instructions

that he "should be readily accessible in person to the Inspector-General of Police and Commissioner of Police in the Presidency Towns with the knowledge of the Minister, and should take frequent opportunity of consulting them on police matters"?—Yes.

1531. May I ask you why you say with the knowledge of the Minister?—Because we have no desire to see the Governor behind the Minister's back.

1532. You do not think there would be any difficulty in obtaining the permission of the Minister to carry this out?—I do not say we should seek his permission, but we think it should not be done without the knowledge of the Minister. I do not think it is intended that it should be in any way subject to the approval of the Minister.

1533. One question of a very general character, quoting from your own Memorandum. You say on page 3 at the top: "As the Simon Commission said in paragraph 62 of Volume II of their Report, 'deterioration of the police service carried to a point where the loyalty and discipline of even a portion of the force could not be relied upon, might have sudden and widespread consequences of the gravest kind upon the general peace'". Are you emphatically of that opinion?—Yes.

Lord Irwin.

1534. I wanted to ask Sir Francis one question arising out of the point that Lord Salisbury referred to as to the relations with the Army, and the necessity of obtaining military reinforcement. The point I want to put to him is this: If I understood his argument correctly, it was that the situation in which military help might be required developed with great rapidity. On the assumption that the Police Force is maintained at its present level, and is preserved from political influences, and so on, would he anticipate any greater difficulty or smaller measure of harmony between the police officers of the future and the military authorities?—No; I do not anticipate that.

1535. Therefore provided that politics are kept out, and, having regard to the fact that the situation, as I think Sir Francis said himself, may very often mean that there is no time to go to the Minister, the matter will be one essen-

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tially of the relations of the two forces?—Not necessarily that. It will be of the orders given by higher authority to the two forces. It will be the convention laid down for the observance of the Army by higher authority.

1536. There was one other point I wanted to clear, if possible, to avoid any possibility of misunderstanding between Lord Salisbury and Lord Reading. Am I right in thinking that your representation as contained in this Paper is not meant to convey that those on behalf of whom you write are either opposed to or in favour of the transfer of Law and Order?—We leave that point for people to draw their own conclusions.

1537. As an Association submitting this Memorandum you leave that question aside, neither expressing an opinion for or against?—Exactly.

1538. Is that right?—Yes.

1539. Am I right in saying that in your Memorandum you are concerned to secure practical securities for your force in the event of Law and Order being transferred, and, if I may draw your attention to the last sentence of your Memorandum proper your considered opinion as there set out is that "the measures we have proposed to this end" (that is the end of maintaining efficiency, and so on, in the Police) "are the minimum that we think likely to prove adequate. If they are adopted, and if our Service rights are secured, the majority of us hope that we shall be able to continue to render useful service to India and to support the new Administration as loyally as we have served the old"?—Yes.

1540. That is your considered opinion?—Yes.

Sir Austen Chamberlain.

1541. I think I am right in understanding that you do not claim that the Inspector-General should be an autocrat responsible to no one?—No.

1542. But your fear in regard to the changes which are outlined is that the daily interference with the discipline of the force would be greater under the new system than under the old?—Exactly.

1543. Provided guarantees can be provided against detailed interference in the ordinary daily conduct of the force

and its discipline you would be satisfied with Ministerial control?—Quite.

1544. Now I want to turn to quite another subject. If you look at the Appendix in which you summarise your recommendations, paragraph 3, "statutory protection should be given to the police of all ranks against civil suits or prosecutions for alleged acts done or purported to be done in the discharge of their official duties." Am I right in understanding that that summarises what you ask in paragraph 15 (2) (e), and also in paragraph 26 (14)?—(Mr. King.) Yes, Sir, except that paragraph 26 (14) is for officers appointed by the Local Government or higher authority. Section 14 is less extensive than the other one.

1545. It is rather an addition to the other one, is it not?—Paragraph 15 (e) is an addition to the other. All the Imperial Services have asked for the protection that we have asked for in paragraph 26 (14). We ask, in addition to that, that special protection should be given to the police among subordinate services. (Sir Charles Stead.) For our men.

1546. With regard to the nature of this protection you obviously do not desire to protect a policeman who in the discharge of his duty, or purporting to act in the discharge of his duty, commits a wrong?—No. (Mr. King.) No.

1547. Ought the citizen to have no remedy against a policeman, not merely acting in the discharge of his duty, but, as you say, in paragraph 15, purporting to act in the discharge of his duty without special permission from the Governor?—We think that is a very necessary protection having regard to the frivolous suits and prosecutions that are brought and to the extreme difficulty of getting them thrown out in the lower Indian Courts at the present time.

1548. You would allow therefore no prosecution against any police officer in respect of any act which the police officer claimed to have done in discharge of his duty without the fiat of the Governor?—Unless it was an ordinary cognisable offence which was prosecuted in the ordinary way by the Department. I am afraid it is rather complicated perhaps, but there are certain cases that we take cognisance of ourselves as police officers, and there is no need for a case like that to go to the Governor. We are merely referring chiefly to suits.

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1549. To a civil suit?—Yes, and also, of course, to prosecutions on complaint.

1550. But in regard to a civil suit, I am a policeman; somebody brings an action against me for a debt. I allege that I bought the goods in discharge of my duty. Is that to prevent his bringing the case to trial? Is that your meaning?—No, Sir. We assume that the Governor would not respond to arguments of that kind.

1551. I can imagine the Governor's feelings if he was asked to prevent a prosecution in a case of that kind. What I want to get at is, is it your contention that no suit of that kind should be entertained by a Court except on a fiat from the Governor?—Except on a certificate from the Governor, yes; on the sanction of the Governor.

Marquess of Reading.

1552. May I ask a question to clear this? Do not you draw a distinction between an action for tort, that is a wrongful act done, and an action for damages on a contract?—I am afraid we have not considered the full legal implications of it.

1553. I was putting the question because of the instance Sir Austen was putting. The one case he put was an action of contract where goods had been bought and had not been paid for; that is quite a different thing, is it not?—Yes.

1554. You are not trying to protect that or to get the Governor's consent for that?—No.

1555. Your point is that you want to prevent frivolous actions or prosecutions being brought against a policeman for some act done by him which alleges damage in consequence, but you are not seeking to prevent actions of contract?—No. We have already very considerable protection for the police in the matter of dispersals of unlawful assemblies. We already have statutory protection for the police in cases where they have fired on mobs. A police officer who has dispersed an unlawful assembly cannot be prosecuted for that without the sanction of the Local Government.

Sir Austen Chamberlain.

1556. Would you be content if the protection which you already enjoy were

continued?—No; we do not think it goes far enough.

1557. Assuming there was no change in the character of the Government, you still think you are insufficiently protected at the present time against frivolous prosecutions?—It depends very much on the future of the subordinate judiciary.

1558. I am not asking you at this moment about the future of the judiciary. I am asking you about the present time. Do I rightly understand that you think that at the present time you are insufficiently protected against frivolous prosecutions or suits, or is that a danger which does not occur at the present time, but which you fear in the future?—It occurs at the present time. I was merely wondering whether it was sufficiently bad for me to be able to say that we would want it in any case, but we have had some very bad cases.

Chairman.

1559. Do you desire to add anything at this stage or to make any comment on any answer which you have given?—(Sir Francis Griffith.) The only thing I should like to add is this: It has a bearing on information that has been given, and that is the extraordinary position under the existing law of the Inspector-General of Police in Bombay and the Deputy Inspector-General. He has no executive authority whatever. That has a bearing on paragraph 15, subsection (2) (a) where we ask that no legislation should be passed to reduce our total powers. The Inspector-General in Bombay is in the position of a barber who is allowed to strop the razor, but, in no circumstances, to do any shaving. That really describes his position quite accurately, and that is because of the Bombay District Police Act, which deprives him of power, and gives that power, which Inspectors-General in other provinces enjoy, to the revenue or judicial officer—the Commissioner. It is rather an important point bearing on that.

Chairman.] Are there any questions on that?

Earl Winterton.

1560. I would like to ask how subsection (a) of Section 2 affects that special point of Bombay?—We have asked that no legislation should be

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passed, and that no rule should be made which would diminish the present power of police officers. That rather presupposes that we consider our present powers are sufficient. We do not.

1561. You do not consider them sufficient?—No.

1562. I beg your pardon?—We understand though, that steps are now being taken in India to strengthen them, and I mention this point to show how incongruous the present position is.

Chairman.] Thank you very much. We are greatly obliged to you.

(The Witnesses are directed to withdraw.)

Ordered, That this Committee be adjourned to to-morrow
 at half-past Ten o'clock.

DIE MERCURII, 21^o JUNII, 1933

Present:

Lord Archbishop of Canterbury.
 Marquess of Salisbury.
 Marquess of Zetland.
 Marquess of Linlithgow.
 Marquess of Reading.
 Earl of Derby.
 Viscount Burnham.
 Lord Ker (Marquess of Lothian).
 Lord Hardinge of Penshurst.
 Lord Irwin.
 Lord Snell.
 Lord Rankeillour.
 Lord Hutchison of Montrose.

Major Attlee.
 Mr. Butler.
 Major Cadogan.
 Mr. Cocks.
 Sir Reginald Craddock.
 Mr. Davidson.
 Mr. Isaac Foot.
 Sir Samuel Hoare.
 Mr. Morgan Jones.
 Lord Eustace Percy.
 Miss Pickford.
 Sir John Wardlaw-Milne.
 Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Dahadur Sir Krishnama Chari.	Sir Manubhai N. Mehta.
Nawab Sir Liaqat Hayat-Khan.	Sir P. Pattani.
Sir Akbar Hydari.	Mr. Y. Thombare.
Sir Mirza M. Ismail.	

BRITISH INDIAN REPRESENTATIVES.

Sir C. P. Ramaswami Aiyar.	Begum Shah Nawaz.
Dr. B. R. Ambedkar.	Sir A. P. Patro.
Sir Hubert Carr.	Sir Abdur Rahim.
Mr. A. H. Ghuznavi.	Sir Tej Bahadur Sapru.
Lt.-Col. Sir H. Gidney.	Dr. Shafa' at Ahmad Khan.
Sir Hari Singh Gour.	Sardar Buta Singh.
Mr. Rangaswami Iyenger.	Sir N. N. Sircar.
Mr. M. R. Jayaker.	Sir Purshotamdas Thakurdas.
Mr. N. M. Joshi.	Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

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[Continued.]

The Maharajahdhiraja Bahadur of BURDWAN, The Rajah of PARLAKIMEDI, Rajah SAYED MOHAMMED MEHDI, The Rajah of KHALIKOTE, Nawab-Zada LIAQAT ALI KHAN and The Kumarajah of VENKATAGIRI are called in and examined.

Chairman.

1563. Maharajahdhiraja Bahadur of Burdwan, you are here on behalf of the British India Association, Calcutta; the Bihar Landholders' Association; and the

Bengal Landholders' Association?—(The Marajahdhiraja Bahadur of *Burdwan*.) Yes.

1564. You have submitted Memoranda Nos. 11 and 12?—Yes. They are as follows:—

MEMORANDUM 11 ON BEHALF OF THE BRITISH INDIAN ASSOCIATION, CALCUTTA. BENGAL LANDHOLDERS ASSOCIATION. BIHAR LANDHOLDERS ASSOCIATION.

PERMANENT SETTLEMENT.

British Indian Association.

The B.I.A. has adduced various arguments for the safeguarding and the inviolability of the Permanent Settlement in the brief summary of evidence and the large printed memorandum on the subject.

Permanent Settlement Regulations should be safeguarded by being incorporated in the fundamental rights to be specified in the Constitution Act or should be placed within the sphere of the Governor's special responsibilities. They have supplemented this argument in a printed paper "The Bengal Landlords' View Point."

The Bengal Landholders Association.

After quoting paragraph 75, page 37 of the White Paper, this body presses for the integrity of the Permanent Settlement which they think should find a place in the Constitution Act rather than figure in a pronouncement by the Sovereign in connection with the inauguration of the new constitution.

They have argued why they prefer the Permanent Settlement to be included in the series of Declarations commonly described as a Statement of Fundamental Rights in the proposed Constitutional Act.

Note of Witness.

The inclusion of the integrity and inviolability of the Permanent Settlement in the Declaration of Fundamental Rights is fully justified and the demand should be acceded to and not left for any Royal Proclamation hereafter.

UPPER CHAMBER FOR BENGAL.

British Indian Association.

(a) The Upper Chamber for the Provinces should be so constituted as to ensure wider national interest and should

have the opportunity of truly functioning as a House of Revision and check.

(b) The total of 67 seats proposed for the Upper House, as provided for in the White Paper, should be increased to at least 100.

(c) In place of indirect election to the Upper House through the proposed Bengal Legislative Assembly, an Electoral College scheme should be set up and in their printed memorandum they prefer the scheme of direct representation in the Upper Chamber of the United Provinces as provided for in the White Paper.

Bengal Landholders Association.

Considers the proposed Upper Chamber unsatisfactory. Does not like the idea of 12 members of the second Chamber to be returned by Lower House. This body wants direct representation in the Upper Chamber by the Zemindars community.

Note by Witness.

Returning the same number of Zemindars as may be eventually decided upon for the Lower House through the special Landholders Electorate to the Upper House will probably satisfy the demand of these bodies.

LOWER CHAMBER OF BENGAL.

British Indian Association.

Under existing Reforms the landholders have five special seats in a House of 114 elected members and in a House of 250 with wider franchise as proposed in the White Paper. This body therefore legitimately asks for more seats proportionate to their importance in the body politic.

The B.I.A. state their grievances under head inadequate representation of the landholders in the legislature and demand in the printed memorandum 20 seats for the landholders to be returned by the

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[Continued.]

special constituency to the Bengal Legislative Assembly.

In a printed paper already circulated the landholders of the Burdwan Division in Bengal have made a demand for 15 seats instead of the five which they now enjoy in the Lower House.

Bengal Landholders Association.

They complain of the inadequate representation of landholders in the Lower House and demand considerable increase in the number of seats.

Note of Witness.

In view of increased number of seats given to trade and commerce in the proposed Bengal Legislative Assembly, the landholders have a just grievance. At present they return one member from each Division from their special constituency. The number should be at least doubled so that the landholders could return two from each division and have 10 seats in the enlarged Upper House. This is the minimum that the landholders might agree to.

LANDHOLDERS' REPRESENTATIVE TO THE
CENTRAL LEGISLATIVE ASSEMBLY TO
BE CALLED THE FEDERAL LEGISLATIVE
ASSEMBLY IN FUTURE.

British Indian Association.

Do not give any definite number but demand increased representation.

Bengal Landholders Association.

Consider that the seven seats allotted to the Zemindars of the various Provinces (and which gives Bengal the right to send one representative) wholly inadequate), as the Federal Legislative Assembly of 250 on the British India side and 125 nominees of the Rulers of Indian States will swamp them.

They therefore demand increase of seats allotted to landholders.

Note of Witness.

Each Province should have the right to send up at least two landholders' representatives from their special electorate.

REPRESENTATION OF LANDHOLDERS TO THE
CENTRAL UPPER CHAMBER TO BE
CALLED THE FEDERAL COUNCIL OF
STATE.

Bengal Landholders Association.

Deplore no specific provision for returning Zemindars from any special constituency to the Upper Federal Legislature, although such provisions are made in the White Paper for the return

of representatives of some other communities. In their opinion a certain number of these 18 seats should be specifically reserved for Zemindars, to be returned by special constituencies, composed of the members of the landed classes only.

Note of Witness.

Each Province with two Chambers should elect through its special Landholders' Electorate at least one representative to the proposed Federal Council of State.

PRECIS OF MEMORANDUM OF THE BIHAR
LANDHOLDERS' ASSOCIATION.

Deal with arguments for the retention of the Permanent Settlement, state that this can be brought under the category of the special responsibilities of the Governor-General and the Governors. Request made that the matter should be incorporated preferably in the Constitution Act and failing that in the instructions to be issued by His Majesty to the Governor-General and the Governors that the term "minorities," whose "legitimate interests" are to be safeguarded by them, should include not only religious and racial but also economic minorities like the landholding classes.

Note of Witness.

The Permanent Settlement should be safeguarded by inclusion in the fundamental rights in the Constitution Act.

Representation of landlords to the
Federal Council of State, i.e., The Central Upper House.

The Bihar Landholders' Association says:—"Whilst it appears that the members of the Bihar Provincial Legislature (both Upper and Lower Houses jointly) will be entitled to send in 18 representatives to the Council of State, no specific provision for returning Zemindars from any special constituency has been made," and in their opinion a certain number of these 18 seats should be specifically reserved for Zemindars to be returned by special constituencies composed of the members of the landed classes only.

Note of Witness.

Supports the principle. Advocates his suggestions in the memorandums of the British Indian Association and the Bengal Landholders' Association.

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[Continued.]

Federal Assembly (or the Lower House of the proposed Central Legislature).

The Bihar Landholders' Association complains of the inadequacy of the number of Zemindars to be returned, as their province will secure but one representative. This body asks that provision should be made for the increase of the seats allotted to the landholders.

Note of Witness.

Supports his own view on the memorandums of the British Indian Association and the Bengal Landholders' Association.

Criticisms of the composition of the Provincial Legislature (both Upper and Lower).

The Bihar Landholders' Association complains that if only four Zemindars are to be added to the group of 12 members of the Second Chamber who are to be returned by the Lower House, the Upper House will become effectively anti-Zemindar. Also complains that instead of the number of the Upper House being 30, it should have a strength of between 40 and 50, and presses for more seats for Zemindars.

With regard to the Lower Provincial Chamber, the Bihar Landholders' Association points out that if in a House of 76, they had four seats for landholders to be returned by their special constituency, in the proposed House of 152, to assign to the Zemindars only four seats is unjust and this genuine grievance should be redressed by increasing the number of seats.

Note of Witness.

Both in the Upper and Lower Chamber eight seats in each Chamber should be reserved for Zemindars to be returned by the special constituency, that is double the proposed number. This is the minimum that would be found acceptable.

MEMORIAL FOR THE NON-INCLUSION OF THE CHOTA NAGPUR DIVISION IN THE PROVINCE OF BIHAR AND ORISSA IN THE PROPOSED "EXCLUDED AND PARTIALLY EXCLUDED AREAS."*British Indian Association.*

The B.I.A. states that:—"In section 12 of the statement on the recommendation of the Indian Statutory Commission which was prepared by the landholders of India at the instance of the

B.I.A. for submission to the Government of India and to the Round Table Conference, after the publication of the Simon Report, the problem of Chota Nagpur as an excluded area in terms of the recommendation of the Simon Report had been briefly dealt with."

The B.I.A. have adduced arguments against the inclusion of the Chota Nagpur Division in excluded, etc., areas, and they give figures of the literacy test in the province of Bihar and Orissa showing that in spite of there being aboriginal tribes in the Chota Nagpur Division, that Division occupies the second place in the province from the point of view of the literacy test and they wind up their memorial with the following words:—

"That no part of the Chota Nagpur Division should be 'excluded' or 'partially excluded' from the reforms is the humble submission of the British Indian Association on behalf of its sister Association, the Chota Nagpur Landholders' Association."

Bengal Landholders Association.

The B.L.A. have adduced arguments in favour of the Chota Nagpur Division of the present Province of Bihar and Orissa not being included among excluded areas.

Note of Witness.

The Chota-Nagpur Division should not be included in excluded areas and it should have the privilege to have the same rights as the other Divisions in the Province of Bihar.

The landholders of this Division have pressed for similar rights as those enjoyed by the landholders in the other Divisions in Bihar and the Maharaja of Ratu (Chota Nagpur) has cabled supporting the representations made by the British Indian Association and the Bengal Landholders' Association.

Mr. Sachidananda Sinha, who is appearing as a witness before the Joint Select Committee on other matters, is well versant with the problem of Chota Nagpur and will probably bring the matter to the notice of the Joint Select Committee.

The Chota Nagpur landholders should have the same privileges as those enjoyed by the other Bihar landholders, and the Chota Nagpur Division should continue to be a part of Bihar as at present, and not relegated to the position of an excluded area which will be greatly resented by the people of this Division.

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[Continued.]

I would also like to hand in a proposal:—

MEMORANDUM 12 WITH REGARD TO DIRECT REPRESENTATION BY HEREDITARY TITLE-HOLDERS IN THE UPPER CHAMBERS OF THE PROVINCES.

In the Government of India Act which will probably be proposed as a result of the White Paper proposals, as further democratising the existing Legislative Assemblies, both Central and Provincial, the Federal Council of State and the proposed Upper Chambers for the Provinces, is inevitable, it is essential to introduce, in so far as it is possible, a stabilising element in the Upper Chambers proposed for the Provinces, and I suggest the following methods:—

(1) Some scheme for a special constituency or Electoral College should be evolved by which owners of every description of property (to include large territorial magnates, big business men, ex-members of Government and people possessing high personal titles) could return from this special constituency members to the Provincial Upper House.

(2) The number of hereditary title-holders in a Province is limited and every hereditary title-holder possessing the title of a Raja, Nawab or higher title should by right have a seat in the Upper Chamber of his Province.

In Bengal this would mean reserving six seats as per list attached, and in Bihar 6 seats including Chota Nagpur as per list attached.

Most of these noblemen enjoy the high honour of being formally received by the Governor of the Province and receiving formal return visits. They also have special privileges such as exemption from attendance at Civil Courts; private entree in most cases at a provincial Government House and in some cases in the Viceregal Court, as well as personal exemption, with a number of retainers, from the operations of the Indian Arms Act.

Although some of these noblemen have in the past stood for election in the Lower House or for the Central Legislative Assembly through their special landholders' electorates, now that Upper Houses have been proposed for these provinces, and in such houses an element of heredity, stability and vested interests would be a great strength to the Legislatures of the provinces, their claim for seats in the Upper Chamber by right of their holding these hereditary titles and

privileges is just and should be acceded to.

Should this privilege of hereditary title-holders getting seats by right in the Upper Chamber of their respective provinces be granted, it must be made clear that, although this would debar them from sitting in the Lower Houses of their provinces, as the Upper Chamber is not going to be a Chamber consisting only of hereditary title-holders or in which the principle of heredity alone will prevail, these noblemen should still have the right to vote for the land-holders constituency in their own provinces in which they, by voter's qualifications and as property owners, will have the right to vote not only for representatives to the provincial Lower House but to the Central Lower House.

They should also not be debarred from contesting seats for the Federal Upper Chamber or Council of State from their provinces. As to whether they should have the privilege of contesting seats for the Federal Lower House is a matter that should be examined. There seems no reason why they should not even contest for those seats, for the privilege desired for the Upper Chamber of the provinces is a special one relating to the provinces alone, and the only disqualification of such a privilege should be not being able to contest for seats in the provincial Lower Houses and should in no way interfere either with the voting rights in any House, Lower or Upper, nor the right to stand for election for the Assembly or the Council of State in the Central Legislature.

BENGAL.

Mohammedans.

Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif 'Ali Mirza Khan Bahadur, Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.

The Hon. Nawab Khwaja Habibullah of Dacca.

BENGAL.

Hindus.

Sir Bijay Chand Mahtab, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan.

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[Continued.]

Maharaja Sir Pradyot Kumar Tagore Bahadur.

Maharaja Bhupendra Chandra Singh of Susang.

Raja Bhupendra Narayan Sinha Bahadur, M.L.C. of Nashipur.

BIHAR AND ORISSA.

Maharajadhiraja Sir Kameshwar Singh, K.C.I.E., of Darbhanga.

Maharaja Bahadur Chandra Mauleshwar Prashad Singh of Gidhaur.

Raja Krishna Chandra Mansingh Harichandan Mardraj Bhramarbar Ray of Puri.

The Hon. *Raja Sir Rajendra Narayan Bhanja Deo, O.B.E. of Kanika.*

Raja Sidheshvari Prashad Narayan Singh, C.B.E. of Chainpur, Saran.

CHOTA-NAGPUR.

Maharaja Pratap Uday Nath Shahi Deo of Ratu. Ranchi.

1565. Rajah of Parlakimedi, you are here on behalf of the All India Landholders' Association?—(The Rajah of *Parlakimedi*.) Yes.

1566. You have submitted Memorandum No. 19?—Yes. It is as follows:—

MEMORANDUM 19 SUBMITTED BY THE ALL INDIA LANDHOLDERS ASSOCIATION.

The All-India Landholders Association which has nominated me to tender evidence on its behalf before the Joint Select Committee, is a premier and representative Association. It has always functioned as the keeper of the consciences of the Provincial Landholders Associations and brought together on a common platform all the landholders of India with a view to enable them to function in all matters as a homogeneous body.

2. The sheet anchor of the landholders is Regulation 1, of 1793, known popularly as the Permanent Settlement of Bengal. This settlement of land revenue continues to give the landholders, as it had done in the past, a sense of security. The continuance of this settlement is of paramount importance both to the State and the landholders. To keep it inviolate is to allow the landholders an opportunity to enjoy undisturbed one of the best benefactions which the British administration had bestowed upon them. The proprietary hereditary rights, which were conferred upon them as a result of this settlement of land revenue have been guaranteed to them in very clear terms. And now when there is no possibility of land revenue being a reserved subject, it makes the landholders anxious and worried about the future, as attempts may be made either to repeal or modify the enactment relating to Permanent Settlement. With the enfranchisement of a large number of agriculturists under the proposed Constitution, the landholders will have greater opportunities of doing the peasantry a good turn by linking their interests with those of the latter and it stands to reason that when His Majesty's Government are going to

widen the political horizon of the peasantry, the rights of the landholders should be recognised and safeguarded by a definite Statutory Provision in the New Constitution Act declaring that the Covenant made by Regulation 1 of 1793 would not be broken.

3. Another important fact which the Association has desired me to place before the Committee relates to the necessity of incorporating certain safeguards, which the landholders consider to be essential for the advancement of their best interests, with Fundamental Rights in the Constitution Act. A chapter of Fundamental Rights in the New Constitution Act would enhance its importance and inspire into the minds of those who need certain safeguards hope and confidence, which alone we feel will retain the same feeling of security in India as there is now on landed properties and which I should bring to your Lordship's notice, has encouraged a lot of foreign capital to be invested in India. Safeguards which are not covered by Statutory Sanctions may not be legally unassailable, as Courts of Justice may differentiate between Royal Proclamations and Acts enacted by His Majesty the King in Parliament or by subordinate legislatures. To obviate the possibility of the cropping up of such legal and constitutional difficulties questioning the validity of the sanction granted to such Fundamental Rights as the landholders of India are now anxious to secure, it is essential that a Statutory enactment should be made for maintaining the existing rights in property.

4. Agriculture is the basic industry of India and 71 per cent. of the population is directly or indirectly connected with

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it. The Indian agriculturist is always at the mercy of a capricious monsoon, and when it fails, as it very often does, the even tenor of his life is disturbed and the calculations of the Imperial and Provincial Budgets, which are truly said to be "gambling in rain", are rendered difficult.

At a time when normal conditions prevailed and the prices of agricultural products were fair, Indian agriculture in addition to local land regulations of inheritance encouraging subdivision and bifurcation of agricultural holdings frustrating considerably the chances of intensive cultivation, was overburdened with taxation. And now when an economic blizzard has destroyed all industries, including the by-industries of agriculture, and made money scarce in the country, Indian agriculture, the chief industry of India, which along with the other industries of the world has been made an unprofitable concern, needs special consideration at the hands of Government which has always shown great solicitude for the agriculturists of India and went to the extent of instituting a Royal Commission on Agriculture for its improvement and development not long ago. Irrigation, Forestry, Horticulture, Agriculture in India are intermingled and come under one group and I am authorised by my own Association to place before the Committee, its con-

sidered opinion that to burden agriculture or income upon any one of the group, with further taxation is to deprive India of all opportunities for further improvement and development.

5. I will now turn to the question of representation of the landholders in the different legislatures. In the Federal Assembly (Lower House) out of a total of 250 seats on the British side, only as few as 7 are allotted to the landholders—vide Appendix II of the White Paper—Madras, Bombay, Bengal, United Provinces, Punjab, Bihar and Central Provinces, each getting only one seat and the other Provinces getting no seat. Considering the great vested interests they hold in the country and the important part they play in the general improvement and social upliftment of the public and the agricultural masses of India and also bearing in mind that they pay no less than one-third of the entire land revenue of the country, it is but equitable, I submit, that they be given a further representation on the Central legislature of their country consistent with their position and in proportion to the percentage given to the landholders in the Minto-Morley Reforms. The present allotment of seats for the landholders in the White Paper in the Federal Assembly is much behind what they are having in the Existing Assembly as given by the Reforms of 1919.

	Total number of Seats in the Assembly (British India side).	Number Landhold- ers' Seats in the Assembly.	Percentage.
Seats as they exist now	145	7	4.8 %
Seats proposed in the White Paper	250	7	2.8 %

The new Reforms will therefore mean proportionately less representation to the landholders than before; and this, while other interests get a higher representation corresponding to the increased strength of the house. I submit that these seven seats for the landholders of the whole of India are quite inadequate and they will be reduced to an insignificant minority in an Assembly of 250 on the British India side and 125 representatives from Indian States, both making a House of 375. The All-India Landholders Association, the British Indian Association of Calcutta, and all the Provincial Landholders Associations of India are particular to have the seats

allotted to them in the Federal Assembly appreciably increased. Again, every one of the four Provinces that are now not allowed a single seat, namely, Assam, North-West Frontier Province, Sind and Orissa, the last one of which contains a large number of Zamindars, should have special representation for its landholders in the Federal Assembly. It is earnestly suggested that each Province should have the right to return at least two representatives from the landholders special electorate.

6. What is said of the inadequacy of representation on the Federal Assembly is more keenly felt with regard to the

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different Provincial Assemblies (Lower Houses). For some unknown reason or other, although the strength of every one of the Provincial Assemblies is enhanced in the Proposals of the White Paper, and the representation of practically every other interest on the legislature is correspondingly increased, that of the

landholders is, on the contrary, very much minimised and much lower than that which they had in the Minto-Morley Reforms. The following table will make clear how the representation of the landholders in each of the Provinces according to the White Paper is very much less than the existing representation.

Province.	Existing Conditions.			White Paper Proposals.		
	Total No. of Seats.	No. of Seats for Landholders.	Proportion.	Total No. of Seats.	No. of Seats for Landholders.	Proportion.
			Per cent.			Per cent.
Madras... ..	132	6	4.5	215	6	2.8
Bombay	114	3*	2.6	175	2	1.1
Bengal	140	5	3.6	250	5	2
United Provinces	123	6	5	228	6	2.6
Punjab	94	4	4.2	175	5	2.9
Bihar	103	5†	5	152	4	2.6
Central Provinces	73	3	4	112	3	2.7
Assam	53	Nil	Nil	108	Nil	Nil
N.W.F. Province	—	—	—	50	2	4
Sind	—	—	—	60	2	3.3
Orissa	—	—	—	60	2	3.3

* Bombay including Sind.

† Bihar including Orissa.

It is evident from the above that although the strength of the House increased in each Province the number of seats for the landholders remained stationary, resulting in a lesser representation for them. In Bombay* and Bihar† the numbers decreased from three and five to two and four respectively, evidently because Sind and Orissa separated into new Provinces. Since the seats for the minorities and other special interests have been increased in the new Provincial Assemblies it is but a just grievance of the landholders that they should demand more seats. The minimum that they will be satisfied with is doubling the seats allotted in the White Paper in respect of every one of the Provinces, including the two new Provinces of Sind and Orissa.

The demand of the landholders has also official support.

The following extract from the memorandum of the United Provinces Government presented to Lord Lothian's Committee will show how Provincial Governments are strongly in favour of increas-

ing the special representation of the landholders in the Provincial Assemblies:

"This Government are unanimously and strongly in favour of the retention of the special representation of the great landholders at the existing ratio and the Governor-in-Council desires to repeat the recommendation placed before the Commission, which was that the number of representatives be increased to twelve. . . . His Excellency's Ministers would go further and give the landholders sixteen representatives."

7. It is very conspicuous that no specific provisions are made in the White Paper for returning Zamindars from any special constituency to the Upper Federal Legislature, although other communities regarded as "minorities" have been given representation. A certain number of the seats on the Upper Federal Legislature allotted for each Province should be specifically reserved for the landholders' class. Again, high

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qualifications should be fixed, in the interest of land-owning classes, both for the candidate and the voter just on the lines on which they are laid for the Upper Chambers of the Provinces.

8. The Upper Chambers of the three Provinces of Bengal, Bihar and the United Provinces are so constituted as to be scarcely of use to the Zamindar community. The tendency to duplicate members of the Lower House in the Upper House is clearly noticeable. In the place of indirect election through the Lower House provision should be made for direct election of members from an Electoral College. It is expected that provision will also be made for the adequate representation of the Zamindar class on the Upper Chamber, which functioning as it will do as a House of revision and restraint on the Lower Chamber, ought in all fairness to be so constituted as to ensure wider national interest and should therefore contain, among other representatives, a good strength of the land-owning class. I also pray that greater powers of initiation and control may be vested in the Upper Chamber for it to function effectively. I further pray that the Upper Houses should be increased in strength, e.g., Bengal from 67 to 100, and Bihar from 30 to between 40 and 50, as to make them more representative and useful.

9. I may here submit for the consideration of the Joint Select Committee that as a stabilising element in the future democratic assemblies of India both Federal and Provincial, provision may be made for the adequate and proper representation of the owners of every description of property, who will include large landholders, big business men, ex-members of Government and people possessing high personal titles. Again, since the number of holders of hereditary titles, such as Raja, Nawab, or higher titles is limited they should by right have a seat in the Upper Chamber of their respective Province. Almost all of these hereditary, or better known as Darbary, title holders in Madras Presidency enjoy high honours from the Governor, have special privileges at Civil Courts, and in the matter of operation of the Indian Arms Act, and have the privilege of private entree at Government Houses and Viceregal Court.

Elements of hereditary, stability and vested interests will tend to enhance the solidarity of the legislatures of the Provinces. Since the Upper Houses will

consist of other besides hereditary title holders and those others will have the right to vote for all other assemblies, the hereditary title holders should be allowed to exercise the power of casting their votes for representatives to the Provincial Lower House as well as for the Federal Lower House.

10. I am authorised by the All-India Landholders Association and the District Landholders Association of Ganjam to bring to the notice of your Lordship and the members of the Joint Select Committee how a mistake has been made in the White Paper in excluding Oriya Estates, Parlakimedi and Jeypore, among other estates, from the New Orissa Province. The Orissa Committee of 1932 appointed to recommend the boundaries of Orissa, favoured the inclusion of Jeypore Estate and its majority recommended the inclusion of Parlakimedi in Orissa. By excluding these and other Oriya estates of Madras from Orissa the White Paper not only denies them their just claim to be under the administration of a province having other Oriya estates within its fold, but it also brings about a break in the age-long solidarity of the Oriya Zamindars of Madras, one that has been intact till now. Again, by excluding these estates, the Orissa Province of 33,000 square miles recommended by the Orissa Committee will be reduced by 11,000 square miles of rich and fertile country full of natural resources, Railways, Educational Institutions and Roads, whereby the doors for economic development and expansion for a poor province like Orissa will be once for all closed.

11. The Chota Nagpur Division of Bihar which is classed as an "excluded area" will have to forego the full benefits of the Reforms. But its high literacy warrants it against being so classified. The British Indian Association, on behalf of its sister Association, the Chota Nagpur Landholders Association, has submitted a memorial to the Chairman of the Joint Select Committee adducing arguments in favour of the Chota Nagpur Division not being included among areas "excluded" or "partially excluded" from the Reforms. The Maharaja of Ratu (Chota Nagpur) has cabled supporting the representations made by the British Indian and other Landholders Associations in this regard. It is but right and just that the Chota Nagpur landholders should have the same privileges as are enjoyed by the other

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landholders of Bihar, of which it should in future continue to be a part as before.

12. In conclusion, I would beg leave to point out that the landholders, all the world over, and more particularly in India, have played a very important part in the political and social evolution of the country and as such their place in the future governance of India needs to be such as to be immune from the political fortunes of ever-changing parties in India. We wish that our century-old system should remain inviolate; we need our interests and rights

to be protected by adequate safeguards and we are confident that your Lordship will give us that sympathetic and earnest consideration to the solution of our problems, to which we believe we are entitled.

1567. Kumarajah of Venkatagiri, you are here on behalf of the Madras Landholders' Association and the South India Liberal Federation?—(The Kumarajah of Venkatagiri.) Yes.

1568. You have submitted Memorandum No. 17?—Yes; it is as follows:—

MEMORANDUM 17 BEING A SUMMARY OF THE EVIDENCE TO BE GIVEN BY THE KUMARA RAJAH OF VENKATAGIRI ON BEHALF OF THE MADRAS LANDHOLDERS' ASSOCIATION.

Representation.

The Parliamentary Committee has to recognise the justice and desirability of the claim that the existing measure of representation of landholders should be increased in proportion to the increase in the size of the Assembly. The Indian Franchise Committee's recommendation does injustice to the legitimate claims of the landholders in recommending the same representation as now, while proposing an increase in the strength of the legislature.

The Local Governments and the Provincial Committees of Madras, the United Provinces, Bengal, Behar and Orissa and the Central Provinces have all proposed larger measure of representation to the landholding classes based upon the same proportion they enjoy at present. To ignore these recommendations while admitting in paragraph 333 of the Committee's report that this class will secure a much smaller proportion than they do at present, is sheer injustice to a class with traditions of loyalty to the Crown and of proper discharge of the duties they owe to the political and social and economical advancement of their country.

As the Honourable Nawab Sir Muhammad Yusuf, Minister for Local Self-Government, United Provinces, expressed in the course of his address during the second conference of the Agra Province Zamindars' Association,

"the interest of the landholders is closely bound up with the various All-India problems within the purview of the central legislature and the question of allotting special seats to the landholder in the Assembly

should be stressed before the Parliament and the argument that there is no necessity for such a special provision in the Assembly as it will not be dealing with the agrarian question holds no water. It is highly necessary that special representation should be given to landholders in the Federal Legislature."

(b) *Local Legislatures.*

In the Franchise Committee's Report, Chapter XI (ii) paragraph 331, it is stated that "Local Government and provincial committees have recommended the retention of the representation proportionate to the increased strength in the size of the future legislatures. It is unfair that in spite of such strong support this reasonable demand that the number of seats to be allotted to the great landholders should bear the same proportion as the present measure of representation bears to the elected strength of the house the Committee should recommend only the retention of the present number.

Lord Minto's despatch clearly conveyed that "no scheme of constitutional reform would meet the real requirements of the situation which did not make adequate provision for representing among other interests, the landed aristocracy of India."

At a time when full control of all departments which affect the vital interests of landholders is proposed to be transferred to the popular control in accordance with the repeated assurances given by the British Government, the landholders have a rightful claim to demand the same measure of representation as they at the present moment enjoy.

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The assumption that it would be still possible to the landholders to get returned by the general electorates is based upon an incorrect appreciation of the difficulties this class is bound to face at the polls.

This was treated by the Statutory Commission as a mere prophecy not founded on exact knowledge of the circumstances. They have further considered it a misfortune if great landowners were not to be found in adequate numbers in the provincial legislatures. Whether the apprehension of an increasing diminution in the number of landholders returned by general constituencies is a mere prophecy or based upon correct knowledge of the realities of the situation is to be found in the despatch of the Madras Government on the Report of the Statutory Commission—vide paragraph 18 and the Memorandum of the U.P. Government.

Further, experience of 12 years of the working of reforms conclusively prove the impossibility of landholder representing general constituency doing justice on certain occasions to his interests however legitimate and vital they may be. The landholders feel strongly confident of securing the attention and the support of the other groups if given a substantial measure of representation. More particularly so at the time when parties go to the polls with their election policies and programmes.

Second Chamber.

It is very unfortunate that the White Paper should not contain a proposal for the institution of a Second Chamber for this Province. The arguments in support of Second Chambers are to be found in the Joint Memorandum submitted in the Second Round Table Conference by the Maharajahdhir of Darbhanga and Rajah of Bibbili in the memorandum submitted by the Association to Franchise Commission and particularly in Sir Hubert Carr's memorandum. It is our conviction that Second Chambers are very essential for an ordered and even progress of administration in all the provinces where Governments have recommended such a constitution. To expect any legislature to pass an amendment of the constitution for the establishment of a Second Chamber is, in our humble opinion, not only an impossibility but also against human instincts. We

earnestly urge upon the Joint Committee to propose institution of a Second Chamber for Madras just as the British Government have recommended in the White Paper in the case of Bengal, which has decided against an Upper House.

Economic safeguards.

Permanent Settlement: We herein enclose a statement prepared by our Association on the recommendations of the Statutory Commission which contains the views of the Association on certain recommendations of the Statutory Commission. This will form the basis for the evidence to be given by the representative of the Association in regard to Permanent Settlement.

The need for Statutory declaration that all rights and titles to property lawfully acquired should be guaranteed and that no property should be acquired by the State for any public purpose without adequate compensation being granted is increasingly felt in view of the unequivocal declarations of their policy by a certain school of political thought.

There are many zamindaries whose annual payments are proportionately higher than those made by the other income earners. There is an apprehension that as the result of any incorrect interpretation of the Permanent Settlement the balance of income in the hands of landholders after the payment of taxes to the Government is subjected to general taxation the burden on the landholders will become ruinously heavy. It is therefore proposed that in the constitution there should be an article which would prevent any source of income being subjected by any legislation to higher incidence of taxation than what falls upon other sources of income. This requires detailed explanation. For the present, however, we propose the following for embodiment in the constitution:

No legislation which will result in the imposition of taxation with varying incidence over different sources of income should be passed without the consent of two-thirds of the representatives affected by such measure.

1569. Nawab-zada Liaquat Ali Khan, you are here on behalf of the Agra Zamindars Association?—(Nawab-zada Liaquat Ali Khan.) Yes.

1570. You have submitted Memorandum No. 16?—Yes. It is as follows:—

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[Continued.]

MEMORANDUM 16 ON BEHALF OF THE AGRA PROVINCE ZAMINDARS' ASSOCIATION.

IMPORTANCE OF LAND-OWNING CLASSES.

Whatever else may be said with regard to the land-owning class, one fact that is incontrovertible and emerges in a most effulgent manner is that the land-owning classes of the United Provinces are the people who have not only a history behind them but have really made the history of these provinces in every sphere of its activities. Their services to the province and the country, whether they be in the political, social or economic sphere, have been, without exaggeration, of a most magnificent and monumental character. If any testimony of an impartial character were at all necessary, it is sufficiently reflected in the various important and weighty documents, both official and non-official, not to mention the recommendations of the United Provinces Government and the Government of India. While many quotations could be cited from the various important and weighty documents, both official and non-official, we shall content ourselves here with one such quotation only. The distinguished joint authors of the Montagu-Chelmsford Reforms Report, that epoch-making document which is the starting-point of the new orientation in the history of the Indian Constitutional development, spoke thus, "The natural and acknowledged leaders in the country are the landed aristocracy. They generally represent ancient and well-born families and their estates are often the result of conquest or grants from some mediæval monarch. By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aim must be to call many more of them out into the political lists." It further said, "No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the Provincial Legislatures."

We could quote a very large number of authorities on this question, but would refrain from doing so with a view to avoid the unnecessary length of the memorandum.

TALUQDARS OF OUDH.

The Taluqdars of Oudh hold properties under sanads granted by the Crown which has bestowed on them full right, title and possession. They have been enjoying also other special rights and privileges which

they greatly cherish. Their titles under the sanads and engagements with the British Government have been described as in the nature of "quasi-treaty rights." The British Indian Association of Oudh is one of the oldest associations in India and is the most influential body in Oudh which exercises great influence in the public life of Oudh. It has statutory recognition and its membership is hereditary.

AGRA PROVINCE ZAMINDARS.

The members of the Agra Province Zamindars' Association are the representatives of some of the leading and most loyal houses of Zamindars since time immemorial. By their strength of their position and number they play a very important part in the political activities of the Province. They contribute no less than about rupees five crores to the public exchequer in the shape of land revenue. They have been traditionally loyal to the Government and have stood by the Government through thick and thin. The Agra Province Zamindars' Association of Allahabad is a well-organised institution with a statutory recognition and has an assured income for its purposes. Its membership is open to the landlords paying Rs.5000/- and above as Government revenue and it is proposed to lower the qualification for membership to Rs.2500/- in order to make it more representative and a rallying centre for the land-owning classes in the province. The number of its members is 560, whereas the number of the Zamindars paying Rs.5000/- and above as land-revenue in the province of Agra is about 700 and odd.

As a result of the recommendations of the Montagu-Chelmsford Reforms Report and the Franchise Committee presided over by Lord Southborough in 1919 which forcefully emphasised the necessity and importance of separate representation of landholders in the legislatures, six seats were allotted to them in the local council, out of 100 elected members. Now it is proposed that in a house of 228 members we shall still have the same number. This is anything but fair. The U.P. Government have also held this view. In their memorandum presented to Lord Lothian's Committee they observed as follows:—

"This Government are unanimously and strongly in favour of the retention of the special representation of

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the great landholders at the existing ratio and the Governor-in-Council desires to repeat the recommendation placed before the Commission, which was that the number of representatives be increased to twelve. . . . His Excellency's Ministers would go further and give the landholders sixteen representatives."

The then Hon'ble Home Member, Capt. Nawab Sir Mohammad Ahmad Sa'id Khan, K.C.I.E., K.C.S.I., O.B.E., of the United Provinces, who is at present the Governor of the Province, also endorsed this view in his own separate note.

The Provincial Franchise Committee appointed to assist the Lothian Committee also unanimously agreed that the number of seats to be given to the landholders should not be less than twelve. Among those who supported this claim of the landholders was Pandit Hirdya Nath Kunzru, Vice-President of the Servants of India Society and one of the most prominent leaders of the Liberal Party in India. We can therefore fairly claim that our demand is not only supported by the Local Government, but by prominent politicians of other schools of thought. Further, we wish particularly to emphasise that the Poona Pact has adversely affected our position. Under the Prime Minister's Award the number of seats allotted to the Depressed Classes was twelve. Under the Poona Pact the number has been raised to twenty. This means that the landholders have been deprived of contesting eight general seats since the Premier's Communal Award. They therefore urge that it would be only fair that they should be compensated for this loss by the increase in the number of special seats allotted to them. It is needless to say that the allotment of six seats to the Zamindars in the Provincial legislature is anything but adequate. While the franchise is being enlarged and more and more representation is being given to the people, it is only fair and proper that there should be a proportionate increase in the number of seats for our community, which should under no circumstances be less than 12 seats in these Provinces. The argument that the landlords are to-day in a majority and therefore there is no occasion for allotting a large number of seats to the landlords, loses all its force when it is clearly borne in mind that with the enlargement of franchise the number of our representatives will, if not rapidly,

certainly steadily, go down and hence the representation of the landlords by the allotment of 12 seats in the local legislature is the least that should be granted to the landholders through the two most important associations, namely the Agra Province Zamindars' Association, Allahabad, and the British Indian Association of Oudh. We, in fact, feel that our representation should be 16 in a house of roughly speaking 228 members. But 12 is the least that we could possibly be satisfied with. We are aware that due to the weighty announcement by His Majesty's Government, the communal balance cannot be disturbed now. We may at once make it clear to His Majesty's Government that an increase in the allotment of seats demanded by us may be made without disturbing the communal balance, and we venture to submit that this will not be unacceptable to the Mohamedans of these provinces generally. We have taken up this question first as we regard it to be of vital importance to the landholders.

SECOND CHAMBER.

We are grateful to His Majesty's Government for having accepted our demand for a Second Chamber in these Provinces as announced in the White Paper. But we should like to submit that the conditions laid down there with regard to the continuance of this body after ten years must at least be modified to this extent that the resolution about the abolition of the Chamber should be confirmed subsequently by an Act two years after the election for the new Provincial Assembly, while we still strongly urge that the Second Chamber should become a permanent feature of the legislatures of these Provinces. Any such condition and restriction in this connection as laid down in the White Paper is not called for at all and is open to serious objection. We are firmly of opinion that the qualification for the upper chamber of the province should be the same as that of the Council of State at present and if any question of the lowering of the qualification is at all to be entertained, it should, under no circumstances be less than Rs.3500/-.

AGRA PROVINCE ZAMINDARS' ASSOCIATION, ALLAHABAD.

Now we urge that as the British Indian Association forms a special constituency for the purpose of sending representatives to the Council, similarly

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the Agra Province Zamindars' Association, Allahabad, should form a separate constituency as the only important organised and influential body in the whole of the Province of Agra.

FUNDAMENTAL RIGHTS.

Coming to the question of the Fundamental Rights of the landholders we again express our gratitude to His Majesty's Government, for having accepted our demand that in the definition of the fundamental rights it should be very clearly set out in the constitution itself that the landowners have full proprietary rights, title and possession in the land.

MEMORANDUM 26 SUBMITTED BY THE BRITISH INDIAN ASSOCIATION OF THE TALUQDARS OF OUDH.

The Taluqdars of Oudh form a part of the oldest territorial aristocracy in India. They and their ancestors have been in undisturbed possession of their estates for centuries past. When there arose a difference of opinion between the Chief Commissioner of Oudh, Sir John Wingfield, and Lord Lawrence, then Governor-General of India, on the question of the status of the Taluqdars the former, who was supported in the controversy by the then Secretary of State, expressed his views upon the subject in the following words:—"In Government letter No. 284 of 30th September, 1864, para. 70, it is stated that the Taluqdaree tenure of Oudh is identical with the zemindaree of Bengal. If this means that the Taluqdars generally were of the same class and origin as the Zemindars with whom the permanent settlement was made, which represents them as Farmers General or Revenue Agents of the Muhammedan Government, having no proprietary connection with the land (though the Chief Commissioner entertains some doubt of the correctness of the description) the Chief Commissioner would beg to be allowed to correct this impression. The great majority of the Hindu Taluqdars of Oudh are the Heads of Houses whose ancestors acquired their possessions by colonisation and conquest between the years 1200 and 1300 A.D. The first settlers were fugitives from the Muhammedan invasion of Upper India and from them descend all the great families of Eastern Oudh. . . . Each clan was under a head in whom all authority and proprietorship was vested; but the clan became sub-divided into houses, the heads

It will be admitted that we are pitching our claims as low as possible. We have not tried to disturb the arrangement regarding the allocation of seats in the Legislative Assembly and the Council of State. In view of the fact that our demands are modest and just, we hope the Joint Parliamentary Committee will readily concede our demands embodied in this memorandum.

1571. Rajah Sayed Mohammed Mehdi, you are here for the British Indian Association of the Taluqdars of Oudh?—(Rajah Sayed Mohammed Mehdi.) Yes.

1572. You have submitted Memorandum No. 26?—Yes. It is as follows:—

of which are the present Taluqdars. This description, the Chief Commissioner believes, is generally applicable to nearly all the Rajpoot Taluqdars, who form by far the larger proportion of the class. Some few of the Muhammedan Taluqdars are Rajpoot converts and in everything but religion retain their Hindu customs. The ancestors of some of the Muhammedan Taluqdars were officers in the Royal Armies who received grants of land on the conquest of the country. Some, however, came into the province with the Jaunpore dynasty which ceased to reign about the middle of the 16th century. The Chief Commissioner knows of three bankers or capitalists only in Oudh who have become Taluqdars. Several Taluqdars have acquired position and estates as Government Officials, such as Nazims and Chackladars, but they are comparatively few in number. The Chief Commissioner cannot, at this moment, recollect above twenty who owe their possessions to official position or court favour . . . This position was fully appreciated by Lord Canning, the first Viceroy of India, who in his despatch No. 13, dated the 25th of November, 1859, addressed to the Secretary of State, made the following remarks:—

"The maintenance of a territorial aristocracy in India, wherever we have such an aristocracy still existing, is an object of so great importance that we may well afford to sacrifice to it something of a system which whilst it increased the independence and protected the rights of the cultivators of the soil and augmented the revenue of the State,

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has led more or less directly to the extinction and decay of the nobility of the country.

"How to preserve this class for useful purposes and to prevent its impoverishment from idleness, extravagance and dissipation, without recognising exclusive rights and unequal laws in its favour has long been a difficulty. But in Oudh at least we have a new and favourable opportunity of attempting a solution of the problem. . . . The system which has been chosen is the old Taluqdaree system of the country but modified and much guarded from abuse. . . ."

The ideal of an aristocracy which we have before us is not that of the Russian nobility of the days preceding the revolution; nor that of the French aristocracy after it had been reduced to a mere court noblesse by the policy of Louis XIV, who desired to break its power and could think of no better method of doing so than that of relieving it of its duties. The ideal which we have before us is that of the English aristocracy whose long career has been one of service to its country; service which has helped more than anything else to make England what it is to-day.

It was clearly the object of Lord Canning's policy to establish in Oudh an aristocracy occupying a position analogous to that occupied by the Peers in England. The light in which the authorities at that time looked upon the Taluqdars will be apparent from the following extract from the first administration report of the Province of Oudh by Mr. (later Sir) Robert Montgomery, who was the Chief Commissioner of Oudh at the time when the foundations of Lord Canning's policy were being laid. He wrote:—"Without entering into a discussion, which would be interesting, regarding the difference or similarity between the Taluqdars of the East and the Barons of the West, there is sufficient analogy between the two to warrant the opinion that the Indian Taluqdars acquired their hold, and exercised their rights much as the Norman followers of William the Conqueror acquired possession and gained Manorial rights over the Saxon tenants of the English soil. . . . At this period of history we do not now call into question the rights of our most ancient landholders to their titles to their desmesnes and in the same way in India, whatever were the causes which led to

assumption of Manorial rights, prescription has sanctioned them to the Taluqdars. . . . When Nawab Saadat Khan received the Soobah of Oudh from the Emperor (1720 A.D.) he found a powerful class of Taluqdars already established".

We recognise that it is at once the proudest privilege and the foremost duty of an aristocracy to lead its country along the paths of progress in all the spheres of human activity, social, political, intellectual and material, and we fully realise that an aristocracy which neglects the performance of this important duty and allows this high privilege to pass out of its hands is bound, sooner or later, to cease to exist. No one can deny that the aristocracy of England even to-day, when democracy reigns (or perhaps it would be more in accordance with the facts to say reigned) supreme in the world, renders invaluable services to its country. This is primarily due to the fact that the English aristocracy is constantly reminded of its duties by being placed in a position to perform them. We are mindful of this and consequently when we see that as a result of the proposed reforms we may be deprived of the opportunities which we have so far enjoyed of serving our country, we cannot but endeavour to represent our views and to obtain for ourselves a position in the future constitution such as that which we have occupied in the past so that we may continue to be of service to our motherland. We are convinced that in the present backward and undeveloped condition of India it would be no less a calamity for it to-day than it would have been in the days of Lord Canning if its existing territorial aristocracy is unhappily allowed to die of inanition.

As a natural result of Lord Canning's policy steps were at once taken to associate the Taluqdars actively with the administration of their province and thus to give them duties which would ensure their survival. One of the first steps which the Chief Commissioner took on the restoration of order in Oudh was to invest the leading Taluqdars with Magisterial and Judicial powers in imitation of the system under which many of the important landlords in England performed Magisterial functions as justices of the peace. It was a matter of so much concern to the Chief Commissioner that the Taluqdars should be encouraged to undertake these duties that he even ordered that no court which heard appeals from their decisions should

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criticise their proceedings adversely. He directed that, if any decision of a Taluqdar Magistrate had to be criticised, the criticism should be sent to him privately and he would bring it to the notice of the Taluqdar concerned. In conveying his assent to the grant of these powers Lord Canning wrote:—
 “Both these measures will tend to the object which, as you are aware, the Governor-General has in view, of turning to the purposes of good government the influence which the great landholders and hereditary Chiefs of Oudh legitimately possess, instead of seeking to suppress that influence and to supplant it by over-ruling authority in our own officers. The Governor-General is satisfied that no scheme of administration which sets this influence aside, will be acceptable to the people or successful and, now that the revival in perpetuity of the Taluqdaree system has been declared, it becomes more necessary that the authority of the Taluqdars should, within reasonable bounds, be maintained. The Governor-General also recommends that the services of the Taluqdars should be enlisted as much as possible in the administration of the province.”

In pursuance of this policy the Taluqdars were given, and were encouraged to seek, the higher posts in the service of the Government which were then open to Indians. They could not obtain for their younger sons commissions in the army or the higher posts in the Civil Service, since they were not then open to Indians; they did, however, obtain posts as officers in the Oudh Military Police and as Extra Assistant Commissioners of Revenue.

All officers were directed to treat the Taluqdars with courtesy and always to be accessible to them. District Officers were particularly directed to consult them on administrative matters of importance. When a famine threatened the land in 1868 the Taluqdars were asked to assist district officers with their advice and co-operation in starting famine relief work. When the evil of female infanticide had to be eradicated it was the Taluqdars who were asked to, and did, suppress it. When vaccination had to be introduced into Oudh it was the Taluqdars that gave the lead. To them were assigned the duties of policing their estates or of suppressing crime in them. The disarming of the population in the days following the mutiny was largely entrusted to them.

It was the Taluqdars to whom fell the task, in consultation with the officers of the Government, of devising means for securing to those holding under them their rights as against the Taluqdars themselves. The claims of the relatives of the Taluqdars to shares in estates were disposed of entirely by committees of the Taluqdars' Association and subsequently the decisions of these committees were given the force of Civil Court decrees. When the First Regular Settlement, namely the Settlement which is the foundation of all titles to landed property in Oudh except that covered by the *sunnuds*, was being effected, committees of Taluqdars were appointed in each district to assist the settlement officers in the performance of their duties.

The position which the Taluqdars occupied immediately after the restoration of British rule in Oudh may be summed up in the following words of Lord Canning spoken at a public Darbar, held on the 17th April, 1861, at Calcutta for the reception of some of the leading Taluqdars. He said: “Whilst you, who are now the independent magistracy of your province, have already become, although you are the newest of the Queen's Indian subjects, the foremost of them in the practice of self-government.”

It must be noticed that at that time the functions of the Government were almost entirely executive: the legislative functions were performed by a very select council consisting almost entirely of some of the highest officials with the addition of one or two non-officials. The only way, therefore, in which Lord Canning could associate the Taluqdars in the Government of Oudh was by giving them administrative and magisterial duties and this he did to as large an extent as was practicable. He did more; he always consulted them in all legislative matters also relating to Oudh and he directed the local authorities always to consult them. Thus we find that whenever the Governor-General's Legislative Council was considering any matter relating to Oudh some one or other of the leading Taluqdars was nominated to the Council and the opinion of the Taluqdars' Association was also taken. It was his desire, and he took every step which it was possible for him to take to reduce it to practice, to make the Taluqdars into a body of notables to assist in all

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spheres in the Government of Oudh. In making over the Kaisarbagh Palace at Lucknow to the Taluqdars for their residence and for the meetings of their Association he said: "It is very desirable that intercourse between the Taluqdars of Oudh and the Local Government should be facilitated; you will derive benefit from the wise and friendly counsel of the Chief Commissioner and he will have advantage in friendly communication with you."

We have all this time continued to enjoy the privileges and perform the duties which were assigned to us. Our share in the public life of the Province has constantly been increasing. Many Taluqdars still perform the duties of Honorary Magistrates. We have a right to participate in all public darbars; we have the right of audience with H.E. the Governor and with H.E. the Viceroy when in Oudh; we are still consulted by the district authorities in matters relating to the district; in times of famine and other agricultural calamities we give the lead in starting famine relief works. During the recent depression the Government at first attempted to grant remissions without the assistance of the Taluqdars and the Zamindars but it was soon led to seek our aid in the distribution of that relief. In local affairs the Taluqdars are still prominent; large numbers of us are members and chairmen of District Boards; the city of Lucknow recognises our civic importance by allotting to our Association two special seats in its Municipal Board. We are exempt as a body from the necessity of obtaining licences for the possession of firearms; some of us are even privileged to keep in our service a considerable body of armed retainers. In the educational advancement of the Province the Taluqdars have set the example. Not only is it a fact that some of the best educated men in the Province are to be found among the Taluqdars but it is also true that we have been directly responsible for the spread of education in the Province. We founded and maintained at our own expense the Canning College at Lucknow, which was for a long time the only centre of higher education in Oudh. Even to-day, when the Canning College has been merged in the Lucknow University, our contributions towards its support are so great that the constitution of that body provides for our permanent representation both on its

Court and in its Executive Council. Schools, Hospitals, Dispensaries and Roads which were founded and are maintained by us are scattered throughout the Province. The King George's Medical College, the premier institution for the teaching of medicine in India, the Balrampur Hospital, the Amir-ud-daula Public Library, the Prince of Wales' Zoological gardens are some of the most prominent institutions at the capital of our Province which owe their origin and existence to us.

So far as the public services are concerned the Taluqdars and their brethren, the Agra Zemindars, have been behind none in gaining distinctions. The first Indian Governor of these Provinces is an influential Zemindar of the Agra Province. The first Indian Home Member was a Taluqdar and he has been succeeded by two Zemindars of the Agra Province consecutively. The vast majority of the Ministers have either been Taluqdars or Zemindars from the Agra Province. Members of our class were the first Indians to rise to the important post of Commissioner of a division in these Provinces. Another Taluqdar has, since its inception, controlled the finances of the Lucknow University as its Treasurer. Members of our class have been Chairmen of the Town Improvement Trusts of the capital cities of Lucknow and Allahabad. In lower offices throughout the Province Taluqdars and members of their families abound. Since the opening out of Commissions in the army to Indians, sons of Taluqdars have entered that branch of the service too, although unfortunately the kind of education which most of them have been in the habit of giving to their sons is not such as to enable them to enter that service of competitive examination and it will require some time for them to adjust themselves to it.

In the purely political sphere we have not been backward either. In the present council almost all the Oudh constituencies are represented by Taluqdars or members of Taluqdaree families and a large number of constituencies in the Agra Province are also represented by landlords. Even our worst enemies cannot lay it to our charge that in the discharge of our new duties we have preferred our own interests to those of our tenants. Notwithstanding the fact that ever since the introduction of the Montagu-Chelmsford Reforms we have held a position of considerable influence in the Legislative Council of our Province, we have willingly

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helped in the passing of laws making large and important concessions to our tenants at the cost of our own long established and unquestionable rights. Recently when the Government considered it necessary to grant by executive order contrary to our legal rights, large remissions of rent neither we, the landlords as a body, nor our representatives in the Legislative Council made any protests against this because we believed that the public welfare required the adoption of this measure, although everyone of our class, large and small, has been extremely hard hit by it and although we have been unfairly treated by the Government in the matter of a corresponding remission of revenue in our own favour.

That the Taluqdars still retain their old position will be apparent from the following passages which occur in the report of the Simon Commission. At page 23 of Vol. I they say:—"The great landlords form a nobility which both claims and exercises the privileges of high rank. The advent of British Rule has not destroyed the exceptional status of these all but feudal Chiefs, and their influence in their own neighbourhood remains predominant. They are marked out as persons of authority and prestige in a society which is far from objecting to social distinctions."

Again at page 64 of Vol. I they say:—"A noteworthy feature of the social organisation of the Province is the number of great landholders. Whereas the Punjab is a Province of peasant proprietors, the land in the United Provinces, and in particular in Oudh, is held from Government by a relatively small number of individuals. The estates of the 'Taluqdars' of Oudh number no more than 260, but they comprise two-thirds of the area of Oudh, and pay about one-sixth of the land revenue of the United Provinces. Some of the Taluqdars represent the old conquering Rajput families with an ancestry dating back to the 9th century. In the chronic anarchy which marked the closing stages of the Kingdom of Oudh, the larger Taluqdars occupied a position which at times amounted to virtual independence and their disputes with the Court and its agents over the payment of revenue contributed to the atmosphere of misrule which finally led to the annexation of Oudh in 1856. The most powerful of the Taluqdars own hundreds of villages and enjoy very large incomes. Their wealth, social status and the control they exercise over their tenants,

give these 'Barons of Oudh' a position of very great influence over their area."

The history of the Province for the last 75 years thus shows that the Taluqdars have faithfully fulfilled the duties imposed upon them. They have fully utilised all the chances that were open to them of serving their country in various spheres. What they now claim is a position in the future constitution of the country which will allow them just as great opportunities of service as in the past. It must be remembered that the centre of gravity is now shifting from the administrative to the legislative sphere, and our claim is that in that sphere we should be ensured a place in which we can use our position effectively for the service of our country.

All persons and commissions which have made enquiries into the matter since the idea of Constitutional reform for India was first seriously taken up by Mr. Montagu, have recognised the importance of encouraging the landed classes of India to take an active part in the political life of their country and of providing special opportunities for them to do so. The authors of the Montagu-Chelmsford Report say:—"No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the provincial legislatures." In 1919 the Southborough Committee also recommended the necessity for the special representation of the landlords in the Councils and as a result the landlords of our province obtained six out of the 100 elective seats. Out of these six seats four were allotted to the Taluqdars' Association which thus enjoys at present a special representation of 4 per cent. of the elected members of the Council. (The nominated members may be left out of the calculation since among them also one is usually a Taluqdar and this works out at the same percentage.) It must be remembered that all this happened at a time when the Liberal party was in power in England and when democratic ideas had received great impetus owing to the war and its after effects.

This system had worked for nearly 8 years when the Simon Commission was appointed to investigate into the question of the next stage of the Reforms and various committees were appointed in India to collaborate with it. The Governments of the various provinces and the Government of India also submitted their own reports. All the Governments

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and committees except the Simon Commission supported the claim of the landlords for a continuation of their special representation: some even recommended an increase in it in spite of the fact that they also recommended the formation of a second chamber for these provinces. The Simon Commission alone did not recommend the continuation of the special representation of the landlords. The reason which it gave for this was that, in view of the success with which they had met at elections from general constituencies, they did not need special representation. The report went on to recommend that, if at any time the landlords failed to secure a proper representation from the general constituencies some of their number should be nominated by the Governor. Even that Commission, however, recognized the importance of the landlord element in the Provincial Councils. At page 76 of Vol. II of its report we find the following recommendation:—"We agree with the view expressed in the Montagu-Chelmsford Report that, in the circumstances of India, these large landholders supply an influence which ought not to be omitted from the provincial councils."

Of the reports of the other bodies we need say nothing further than that which is said in the despatch of the Government of India dated the 20th September, 1930, which sums up the whole position in the following words:—

"The recommendations of the Statutory Commission conflict with the view expressed by the Indian central committee that this class of special representation should be retained. Every provincial Government, except the Government of Assam where there is no special representation of landholders, agrees with the Indian Central Committee and considers that the special representation of the great landholders will be needed both in view of the position of that class in the country and of the steady effect which it is likely to have in the new legislatures. The suggested abolition of their special representation has been received with feelings of resentment and dismay by the great landholders themselves and one of the first steps they took on hearing of the proposal was to form a representative delegation to present to His Excellency the Viceroy, an address containing a weighty protest against the withdrawal of their

present privilege. Particular objection has been taken by the landlords themselves to the suggestion made by the Commission that, in the event of their failing to secure representation equivalent to the present number of their special constituencies, this representation should be obtained by nomination. We have ourselves no hesitation in holding that this form of special representation should continue. . . . The success in general constituencies of persons possessing the special landlord qualification can rightly be regarded as a healthy sign of a greater readiness on the part of the conservative class to recognise their obligations and take up the political responsibilities under an increasingly popular system of Government. But prejudices still survive and unless special constituencies are retained, many leaders of this important class may still be unwilling to expose themselves to the hazards of election by general constituencies, and those landholders who are elected by general constituencies may prove to be unrepresentative of the landholding interests. Such questions as tenancy and land revenue measures may be expected to occupy more prominently the attention of the provincial legislatures in the near future and in the controversy likely to ensue, the landholders can reasonably claim that they should not be deprived of their special representation at a time when the extension of the franchise may well increase the difficulty of their securing their representation on a general register."

Our own Government in its memorandum submitted in reply to the questionnaire issued by the Franchise Committee said:—"This Government . . . are unable to endorse the recommendation. . . . The Government hold that the representation which the great landholders have been able to secure has not been disproportionate to their political importance in the present conditions. It is almost inevitable that as the electorate gains political experience it will tend to prefer representatives drawn from sources other than the great landed families, and the need for special representation is likely to increase rather than decrease. It is peculiarly unfortunate that the Commission has singled out this one class to be deprived of a privilege at present enjoyed. . . . This Government are unanimously and strongly in favour of the

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retention of the special representation of the great landholders at the existing ratio, and the Governor in Council desires to repeat the recommendation placed before the Commission, which was that the number of representatives be increased to twelve. . . . His Excellency's Ministers would go further and give the landholders sixteen representatives."

Thus it will be seen that everyone is unanimous that the landlords are a necessary element in the Provincial Councils. Further, all are agreed, except the Simon Commission, that, without any new experiment, the landlords must have a reasonable number of special seats in the Council. We are glad to see that His Majesty's Government too have recognised the principle of the special representation of the landlords in the Councils. But we think that the proposed representation, so far as our province is concerned, is not sufficient. At present the Taluqdars alone enjoy a special representation of 4 per cent., and it is now proposed that the whole of the landlord class should have a special representation of only 2½ per cent. This means that we will be deprived even of our existing rights in the matter of representation and that too at a time when a great constitutional experiment is about to be made and when we are likely to need the greatest amount of protection. No doubt it may be said, with the Simon Commission, that experience has shown that we possess sufficient local influence to secure for ourselves a considerable number of seats from the general constituencies; but this argument ignores the altered circumstances in which we have been, and are going to be, placed as a result of the reforms.

In India, as elsewhere, the development of Government by popularly elected Councils, necessitating the holding of frequent elections, will inevitably tend to increase the importance of the class of professional politicians, a class which is chiefly composed of persons who have hardly any established means of earning their livelihood. In India this class has already been able to obtain a more favourable opening than those of their class in other countries. Although there is, we readily and gratefully admit, a number of sincere and selfless workers in the political organisations of to-day, the majority of the members of those organisations are undoubtedly politicians of this class, and the punishment which the Government has had to mete out to

them for their illegal activities has, in the imagination of a large number of people, invested them with a halo of martyrdom. Moreover, since they can always utilise the prestige and the deserved hero-worship which attaches to the names of the selfless and sincere among them for their own ends, the influence which they can exercise over the minds of an illiterate electorate is likely to be considerable. This influence coupled with anti-landlord propaganda of which a hundred and one different forms have been and can be devised, and of which we have already had experience in the recent no rent campaign, can easily counter-balance the personal influence which we possess. We have not forgotten that at the time of the elections to the second Reformed Councils, when a similar situation had been created, we encountered the greatest difficulties in getting into the Council and, though we did not fare so badly as the members of our class in the Provinces, we lost a considerable number of seats to the Swarajists. Even our Local Government recognise the change which our position has undergone in this respect. In their second memorandum submitted to the Franchise Committee they observe:—"As regards the landowners, the Local Government consider it is essential to give special representation to them owing to the prominent part which revenue and rental legislation is likely to take from the first under the new constitution. Recent events have in their opinion emphasised this necessity, and it is indeed possible that for some years to come questions of this character will form the outstanding problems which will engage the attention of the Legislature."

No one, having a stake in ordered Government and consequently inclined to take a cautious and sober view in political affairs, can view the probability of an increase in the power of professional politicians with anything but grave misapprehension and it becomes absolutely necessary to provide some checks for the evils which such a class is apt to bring in its train. In England the development of the constitution, with a hereditary monarchy and a hereditary Upper Chamber, has been such that this class of persons has not been able to establish itself. At the present time in the Provincial Councils in India, a substantial amount of restraining influence is exercised by the presence of a powerful group of non-elected members, who are wholly independent of temporary

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political considerations, and of the representatives of special constituencies, who are not likely to be led away by such considerations. In the future councils the non-elected element will altogether disappear and consequently it becomes all the more necessary that the remaining stabilising element should be considerably strengthened to provide a wholesome check on ephemeral enthusiasms or dangerous idealisms for which an ignorant and inexperienced electorate can so easily be led to clamour. An effectively large landlord element in the councils elected by special constituencies will be more beneficial than any other special class in that, owing to its close contact with the general electorate, it can be counted upon to exercise a restraining influence on election propaganda. Without such an element it is certain that agrarian questions will be raised at every election to the detriment of peace and good relations between the two most important classes of this essentially agricultural country, the landlords and the tenants. Persons advising from outside the general arena of election contests will be heard with greater respect than applicants for votes. It is, moreover, well known how, at elections, all kinds of promises are made which even enlightened electorates generally believe are meant to be kept. Such promises will, of a certainty, be made by non-landlords candidates for election at the expense of the landlords in order to undermine the latter's influence over their tenants and, therefore, the chances of the landlords getting into the councils through general electorates are bound to diminish as time goes on. What offers, for instance, can the landlords make to the general electorates to counter the effects of promises made to the electors by their rivals that all the landlords' rights will be transferred gratis to their tenants or even that rents will be substantially reduced or wholly annulled?

Another factor which will go to make the personal influence of the landlords of very little value will be the development of the party system which is bound to follow as a result of Government by elected Councils. At the present time landlords can assure themselves of a large number of votes at elections partly through the personal influence of themselves and their friends and partly because of the large sums of money which they spend in electioneering. When parties become better organised it will be increasingly difficult for the landlords to

get into the Councils unless they join one or other of the parties or organise a separate party of their own. We think that landlords should not be forced to adopt either of these courses. The only parties which for some time to come are likely to gain followings are parties which have a very advanced political programme. So far the Taluqdars have generally maintained their conservative opinions and it will be throwing them into the hands of advanced politicians to make them join recklessly advanced parties. Moreover even if they join any particular party it is not necessary that the party should choose a landlord as its candidate. Parties can utilise the landlords' influence for non-landlord candidates. A separate party consisting purely of landlords would prove very disadvantageous to the country. The existence of such a party would rouse an agrarian controversy at every election and would serve the interests of the landlords very badly.

Further the Taluqdars cannot hide from themselves the fact that recent political events have already considerably shaken their position. During the height of the last non-co-operation movement they were naturally consistently with the Government in its attempt to maintain law and order. The result was that their attitude accentuated the antagonism of the non-co-operators who, thereupon, tried to counteract their influence upon their tenants and further to embarrass the Government by starting the no-rent campaign. It was natural that the ignorant tenants should have joined this movement particularly in view of the economic distress which they were suffering. It was equally natural that the landlords and the Government should endeavour to break the movement and this led to the creation of antagonism between the landlords and the tenants even in estates in which no antagonism had ever existed before. No doubt this latter antagonism was temporary and has now ceased to exist, but the cause of it is sure to be revived at future elections and it is difficult to imagine to what lengths it may go under the new conditions.

It should also be remembered that we are to be debarred from seeking election to about 12 per cent. of the seats in the future councils. These are the seats reserved for the depressed classes, labour, Europeans, Anglo-Indians and Indian Christians. Originally the number of seats reserved for the depressed classes

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was much less, but the Poona pact has increased it and has thus affected our chances.

Then again it is important to bear in mind that old conditions are being altered by the great extension of the franchise which is about to be made. Admittedly this is an experimental measure and no one can say how it will work. The Taluqdars apprehend that it is bound to lessen their chances at the general elections.

The Lothian Franchise Committee say:—"Representation will become increasingly popular in character and the chances of great landlords securing return in the future through general constituencies correspondingly less."

For all these reasons we earnestly request that we and the Zemindars of the Agra Province may, between us, be given a sufficient number of special seats to be able to exercise some influence in the Lower House of the legislature of our province in every eventuality. Originally we had suggested before the Franchise Committee that we should be given 5 per cent. of the total number of seats and that the Zemindars of Agra should get a reasonable representation. On our present proportion the Taluqdars alone are entitled to nine special seats in the reformed lower chamber. The local Government recommended twelve seats between us and the Zemindars of Agra. This would not give us a proportionate increase, and we see no good reason for the shortage. We would request that the suggestion of our Ministers be accepted and we and the Zamindars of the Agra Province should be given sixteen special seats between us. This will assure us of a definite position, and it can harm no one. The vast majority of seats will still remain open to general constituencies.

We would also point out that by awarding us an extra number of seats the communal award will not be disturbed. Both the principal communities are well represented in our special constituencies, and in no election have we been guided by communal feeling. To place the matter beyond all reasonable doubt the system of election for our constituencies may be so devised as to secure at least proportionate representation for the minority community.

At the present time the Taluqdars enjoy special representation in the local Legislative Council, in the Court and the Executive Council of the Lucknow University and in the Lucknow Municipal Board, and it is a remarkable fact that

no body of Indian opinion has ever asked for the abolition or the curtailment of this privilege in respect of any of these bodies. The Taluqdars think this is the best proof, if proof were required, of the excellent manner in which they have utilised their opportunities.

It might be said that the constitution of a second chamber for these provinces ought to be a sufficient safeguard for the vested interests of the province. We submit that this will not be so. Firstly, the White Paper definitely provides that the second chamber will not possess the same powers as the Lower House. Then even when second chambers are possessed of concurrent powers they have always had to give way in the end. They cannot affect the result of the debate in the Lower House; they can only act as a brake to delay the result of the decisions of the Lower House. Moreover, as has been repeatedly pointed out by Viceroy and Governors, the main sphere of Governmental activity will be the Lower House, and unless we have proper representation in that house we will be unable to influence the Government in an effective manner.

It should be remembered that when the Government of our province recommended that we should have a special representation of 12 seats it had the idea in its mind of a second chamber being established in these provinces, as its memorandum clearly shows. Further, that group of the members of our Provincial Franchise Committee, consisting entirely of non-landlords and including, among others, Pandit Hirday Nath Kunzru, ex-M.L.C., and ex-M.L.A., the Vice-President of the Servants of India Society and one of the foremost Liberal leaders of India, which recommended that not less than 12 seats (the least number recommended by any group of the Provincial Franchise Committee) should be allotted to the landlords of the province, clearly did so on the assumption that a second chamber would be created for our province. They said that they would be "prepared to reconsider the extent of (landlord) representation if there is to be no second chamber" (page 343 of the Indian Franchise Committee Report, Vol. II).

It must not be assumed that we do not appreciate the decision of His Majesty's Government as enunciated in the White Paper to establish a second chamber in these provinces. We are grateful that our request in this respect has been granted and we are confident

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that the second chamber will prove of the greatest service to our province. We attach so much importance to the continued existence of a second chamber that we wish that no provision had been made for its abolition. As it is, however, we would respectfully urge that the second chamber should not be abolished unless the motion for its abolition has been passed on two separate occasions by each of the chambers with an interval of at least two years between the two resolutions of each chamber and with the further proviso that, so far as the lower house is concerned, a general election to it must have intervened between its two resolutions.

We would also emphasise with all the force at our command the necessity of keeping the qualification required to entitle a person to be a voter or a candidate to the Upper House sufficiently high to enable it to act as a proper check in legislative matters.

Finally, we would beg to submit that continuously since the annexation of Oudh, the British Government, through its representative and the representative of our sovereign at the helm of the Government of India, has been giving the Taluqdars the assurance that they and their successors will always be maintained in the enjoyment of their rights and privileges. When on the 26th October, 1859, Lord Canning held his first Darbar at Lucknow for the distribution of the *sunnuds* of their estates to the Taluqdars he said:—

“ You have, all of you here present, received yesterday the grant of those estates which the Government has restored to you. You will have seen by the terms of those grants that the ancient Taluqdaree system of Oudh is revived and perpetuated. Be assured that so long as each one of you is a loyal and faithful subject and a just master,

his rights and dignity as a Taluqdar will be upheld by me, and by every representative of your Queen, and that no man shall disturb them. You will also have seen by those grants that the same rights are secured on the same conditions to your heirs for ever.”

This promise of Lord Canning has been repeated by successive Viceroys and we gratefully acknowledge, that it has always been respected. It is a promise which, as Lord Canning pointed out, is contained in the *sunnuds* under which we hold our estates. Now that the British Government has deliberately chosen to alter the system of Government in India, the Taluqdars are, it is respectfully submitted, entitled to claim that they should be secured in the rights which they enjoy and whose perpetuation was promised to them in return for services rendered at a critical time. The least that would help to secure their position would be to provide by a fundamental law, firstly, that they should not be deprived, except for public purposes and on payment of full compensation, of any of their rights and, secondly, that they should have adequate representation as a class in the Lower Chamber of the legislature.

It will not only be a deserved recognition of the Taluqdars' philanthropic activities and loyalty to the public and to the Government in the past but it will also be in consonance with British justice and consistency and will constitute an effective contribution to peace and stability in our province. The Taluqdars, therefore, hope that reason and justice will yet prevail.

1573. The Rajah of Khallikote? You are here for the Orissa Landholders' Association?—(The Rajah of *Khallikote*.) Yes.

1574. You have submitted Memorandum No. 24?—Yes. It is as follows:—

MEMORANDUM 24 BEING A SUMMARY OF EVIDENCE PRESENTED BY THE “ORISSA LANDHOLDERS' ASSOCIATION AND OTHER PUBLIC BODIES OF ORISSA.”

1. Safeguards demonstrably against the interests of India should be deleted.

2. Representatives of Indian States instead of being appointed by their Rulers to the Federal Legislature should be elected by the people of the States from a panel nominated by the Rulers of respective States, or some other suitable method of election to be devised in consultation with the Rulers.

3. While the Federation may be brought into being by Royal proclamation, the proclamation need not be made to depend upon an address to the Crown with a prayer for its promulgation. It would be like subjecting the Constitution Act to a process of amendment.

4. If the Federation as proposed between British India and the Indian States is not possible before a certain

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date to be laid down by Statute, a Federation of the British Indian States should be taken on hand by each such British Indian State agreeing to surrender to the central organism certain well-defined range of powers and jurisdiction and completed within a specified period, the Governor-General exercising transitory powers under the Constitution Act during the period of interregnum as contemplated in para. 102 of the proposals.

5. While the establishment of a Reserve Bank may be the *sine qua non* for the inauguration of Federation, the stipulation that general financial, economic and political conditions must be favourable is not necessary.

6. The All-India Federation should be inaugurated as soon as necessary preliminary arrangements are completed and fresh sanction of the Parliament is not necessary.

7. A set of fundamental rights of federal citizenship applicable, at least to British India, should be embodied in the Constitution Act. Such rights should include the safeguarding of the vested interests of the Landholders or at least contain a provision that the permanent settlement will, on no account, be reversed.

8. If for unavoidable reasons All-India Federation on the basis of the White Paper be unduly delayed, responsible Central Government for British India, with safeguards now proposed for a fixed statutory period only be established with provincial autonomy. All-India Federation might still remain the ideal for the attainment of which earnest efforts should be continued.

9. The Secretary of State's functions should be limited to exercising control over subjects for which safeguards are devised and which are not transferred to the control of the Legislature in India for the time being.

10.—(a) A clear policy regarding the complete transfer of the Army to Indian Control at the end of a prescribed transitory period should be devised and accepted. The period may be set down at 50 years from the date of the passing of the Constitution Act.

(b) The recruitment to the Indian Army should not be confined to the so-called martial classes but should be extended to all communities and provinces, and especially to the Oriyas, whose valour in the past is a recognised historical fact.

11.—(a) The Federal Legislature should be bicameral. Its strength should be 450 as recommended by the Lothian Committee.

(b) Some form of indirect election should be insisted upon in the case of Indian States representatives.

(c) Indian States representatives shall have no voice or vote in subjects affecting only British India or in the no-confidence motions about British India subjects.

(d) The Council of State should have nothing to do with money bills or budget grants.

12. The Ministers of the Federal Government should have unrestricted control over the subjects except for those reserved and for which specific safeguards have been provided.

13. The two new provinces of Sind and Orissa should be formed along with the passing of the Constitution Act.

14. There should be two chambers for Orissa as is provided for Bihar.

15. The franchise in Orissa should be extended so that 14 per cent. of its population may be enfranchised instead of 9 per cent., as proposed in the White Paper.

16. The basis and method of enfranchisement in Khondmals Sub-Division in Orissa should be the same as those devised for the Balliguda Agency in Ganjam District.

17. The Landholders' qualifications for enfranchisement in Orissa should be lowered and those paying Rs.3,000/- land-revenue and Rs.250/- local cess should be brought into the electoral roll.

18. The Orissa Legislative Assembly should consist of eight more seats and the extra seats be divided as under:—

Muhamadan 5, instead of 4 seats as proposed in the White Paper.

Landholders 4, instead of 2 seats now proposed.

Backward Areas 4, instead of 2.

Depressor Classes 8, instead of 7.

General 51, instead of 49.

19.—(a) Subvention for Orissa from the Centre should be fixed, keeping in view not only the normal deficit of the Orissa Province, but also the large "backward" area enfolded within it for which Central Government is primarily responsible.

(b) Such subvention should be for a fixed period of 20 years, after which the case of Orissa may be investigated and the subvention altered according to circumstances then obtaining.

21^o *Junii*, 1933.] The Maharajahdhiraja Bahadur of BURDWAN, [Continued.
The Rajah of PARLAKIMEDI, Rajah SAYED MOHAMMED MEHDI, The Rajah of KHALIKOTE,
Nawab-Zada LIAQAT ALI KHAN and The Kumarahaj of VENKATAGIRI.

20. Distribution of income tax should be made on a population basis.

21. In the Federal Assembly Orissa should have at least 10 seats as against Sind, which gets 5 seats with a population of 3.9 millions, and in the Council of State seats for Orissa should be raised in proportion to Sind and the North-West Frontier.

22. If for any reason the vested interests of the Landholders are not protected by the fundamental rights, safeguards with regard to the Permanent Settlement being maintained intact be provided for at least in the Instrument of Instructions to the Governor-General and to Provincial Governors.

Chairman.

1575. Kumarahaj Sahib of Venkatagiri, I understand that the representation which has been put in over your name, and which is numbered 23 on the papers in the hands of the Committee, which is entitled "Memorandum submitted on behalf of the South Indian Liberal Federation to the Joint Committee on Indian Affairs," and so on, is a paper as to which, if the Committee desires to examine you upon it, you would wish taken after the business now before the Committee is concluded?—(The Kumarahaj of Venkatagiri.) Yes.

1576. I understand it would be for the convenience of witnesses if I put most of my questions to the Maharajahdhiraja Bahadur of Burdwan? Is that so?—(The Maharajahdhiraja Bahadur of Burdwan.) Yes.

1577. Maharajahdhiraja Sahib, the general tendency of the Memoranda before the Committee to-day appears to be to suggest that under the proposals of the White Paper you regard as inadequate the representation suggested for the land-owning interests, and you suggest by one means or another increased representation for landowners; is that so?—That is correct.

1578. In your view, if you get that for which you are asking, will you, in plain English, be able to look after yourselves and your interests in the various assemblies?—It is difficult to say what is being able to look after oneself, because there are other communities who have also got to consider the fact, but I think, in view of the fact that land revenue is now going to be a transferred subject,

larger representation of the landholders is necessary in the enlarged Councils that are proposed.

1579. So that your view is that, if you are given that for which you are asking, you will at least be better equipped to look after your interests than you are under the proposals of the White Paper as they now stand?—That is true.

1580. Nevertheless, as I understand the tendency of your Memoranda, even though you were given all that you are asking for, you would still desire to be given the statutory perpetuation of Regulation 1 of 1793; in other words, the permanent settlement?—Yes, that stands on a very different footing from having representation in the Legislative Councils, because the landlords who possess that privilege look upon it as a pledge and not merely as an Act of Legislature.

1581. You do not regard the permanent settlement as a proper matter for review by any future democratic institutions in India?—I do not.

1582. Again, Maharajahdhiraja Sahib, even although you are given the increased representation for which you seek, you would ask for statutory immunity, or some of you would ask for statutory immunity, from agricultural income tax? Is that so?—The agricultural income tax was only imposed once since the permanent settlement was introduced, and that was in 1860, only for a few years, when there was famine; and I think one of the greatest sufferers under the permanent settlement, the then Maharajah of Burdwan, was the greatest advocate of that for a few years; but it was only as a temporary measure, and we certainly would not like any further inroads made in the permanent settlement than have already been made.

1583. I do not want in any way to misrepresent the views of any of you gentlemen. Perhaps Maharajahdhiraja Sahib, you could make it plain to the Committee which of the bodies for which you speak to-day ask for immunity from agricultural income tax? Could you tell us that?—I do not think that in any particular memorial that has been very much emphasised, excepting for the sanctity and inviolability of the permanent settlement, but it is understood, and I think from that point of view it may be taken, that the British India Association, the Bengal Landholders' Association, and the Bihar

21° Junii, 1933.] The Maharajahdhiraja Bahadur of BURDWAN, [Continued.
The Rajah of PARLAKIMEDI, Rajah SAYED MOHAMMED MEHDI, The Rajah of KHALLIKOTE,
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Landholders' Association all support that view.

1584. So it is in its relation to the Permanent Settlement that you make that point?—Exactly.

Chairman.] I shall reserve any further questions until I hear what my colleagues and my friends opposite propose to ask you.

Sir Samuel Hoare.] I reserve my questions.

Sir A. P. Patro.

1585. It has been stated before this Committee that reasonable people will be satisfied, and the masses will be satisfied, if there is reservation of Law and Order, and other subjects are transferred to the popular Government. You, of course, have been in England all the time, but you have been in touch in correspondence with Indian opinion, with landholders and people. Do you think the people of India will be satisfied by reducing the recommendations of the White Paper and reserving Law and Order?—I can only speak for Bengal, and I think that it would be a mistake to reserve Law and Order.

1586. Rajah Sahib of Parlakimedi, will you kindly state from your wide experience and wide knowledge of the people, not only of the Madras Presidency, but of other provinces, whether it will satisfy the people generally if Law and Order is to be reserved and the White Paper recommendations cut down?—(The Rajah of *Parlakimedi*.) I entirely agree with the view put forward by my leader, the Maharajahdhiraja Bahadur of Burdwan.

1587. May I ask this question of the Rajah of Khallikote?—How long have you been the President of the District Board of Ganjam?—(The Rajah of *Khallikote*.) About 12 years.

1588. As President you are in touch with the people and the masses generally?—Yes.

1589. You go on tours and visit villages and make inspections?—Yes.

1590. From your experience and knowledge, would you kindly tell me whether it would be acceptable to the masses to have a scheme of transfer of some subjects, minus Law and Order?—It will not satisfy the people.

1591. You have the opportunity of consulting and talking to the villagers as President of the District Board?—I have opportunities.

1592. Have you spoken to the village officers during your tours?—Yes, I meet them quite often.

1593. What is the feeling of the village officers, from your information and enquiry, with regard to these White Paper proposals?—I cannot say exactly what the feeling of the village officers is but I can talk generally about the feeling in the country.

1594. Just one other question. As President of the District Board and as a Member of the Madras Legislative Council, from your experience and knowledge, will you kindly tell me whether there is general approval of the White Paper proposals?—I represent the Conservative opinion in India and I think there is general approval for the scheme of the White Paper, subject to certain modifications; not as the White Paper is at present, but subject to certain modifications.

1595. If the scheme of the White Paper is modified as you say and is accepted by Parliament, will it be willingly worked by the people in the country?—If the scheme of the White Paper is modified, according to some of our views, I personally think it will be worked by the people.

1596. You say that personally, from your experience and knowledge of the people, and the views of the people?—Yes.

1597. May I know in what directions you think that the White Paper requires improvement?—Relating to the Provinces I do not think I have much to say, because I am a Member of the Justice Party which has, I believe, submitted a Memorandum. I agree with the proposals made by the Justice Party. Perhaps the witness who will be examined on behalf of the Justice Party will answer the question. As far as the Provinces are concerned, I agree with the Memorandum that has been submitted by the Justice Party, because I am a Member of that Party that has been working the Constitution for the last 10 or 12 years in Madras. Regarding the Provinces, I have nothing further to say, but to agree with them; but as regards Federal matters I have something to say. If you want me to make observations I am prepared to say something regarding safeguards for the Federal Constitution. With regard to the Provinces, I have nothing to say beyond what is said by the Justice Party.

21^o Junii, 1933.] The Maharajahdhiraja Bahadur of BURDWAN, {Continued.
The Rajah of PARLAKIMEDI, Rajah SAYED MOHAMMED MEHEDI, The Rajah of KHALLIKOTE,
Nawab-Zada LIAQAT ALI KHAN and The Kumarah of VENKATAGIRI.

Dr. B. R. Ambedkar.

1598. I thought you had something to say about the Federal Constitution?—May I say it?

Sir A. P. Patro.

1599. If you please?—It is said in the White Paper: "The Instrument of Instructions will also formally recognise the fact that the defence of India must, to an increasing extent, be the concern of the Indian people and not of the British Government alone." I suggest that this should be put into the Constitution so that in the course of, say, 50 years the control of the Army may be more the concern of the Indians than of the British.

1600. What is your criticism of that?—In accordance with what is stated in the White Paper, I submit that some provision should be made in the Constitution Act for the Indianisation of the Army in a definite period of fifty or sixty years, and to bring the Army gradually under the control of Ministers. It may not be done now, but I say some policy should be enunciated whereby it may be done in fifty or sixty years. Regarding the financial stability and the credit of the Federation, it is now proposed to be vested in the Governor-General, and the Governor-General, I believe, has also to appoint a financial adviser. In this connection I would suggest that it should be laid down in the Constitution that after a certain period the safeguarding of the financial stability and the credit of the Federation should be more under the control of the Ministers than is proposed now.

1601. You have stated your point in the Memorandum?—Yes.

Sir N. Sircar.

1602. My Lord Chairman, I propose to ask three or four questions of the Maharaja Sahib. He has suggested that a certain principle should be followed in the Second Chamber. I should like to ask him, supposing the principle was accepted, does he insist on the larger number which he has mentioned in the Note?—The point is that if the Legislative Council is going to be 250 as it is proposed at present, I think a larger number would be justifiable. On the other hand, there may be a question asked as to whether the Legislative Council

should be so big. If a question like that were put, then I could answer that question again.

1603. Do I understand you to say that in your view the strength of 250 for the Lower House in the Bengal Council is excessive?—Personally, I think it is excessive, and I think it is a great mistake to have these very large Houses in the beginning of a new experiment. I think small Houses would have done better.

1604. The representatives of Bengal suggested 200?—I know.

1605. Do you approve of that idea?—May I say what my personal views are? My personal view is that it should be, as far as Bengal is concerned, 31 European; 20 or 25 for special interests. I do not think the House should be more than 175 for Bengal, 200, perhaps; but that is my personal view, because I have got no mandate from the three bodies I am representing.

1606. I want to ask you, when you are asking for two more seats for landlords, whether you have considered the question that an objection may be raised, that one community might capture all the extra landlords' seats. Have you considered the question at all?—Am I to understand, Sir N. Sircar, that you are asking as to whether, supposing that the five seats more that I am asking, so to speak, on behalf of landholders on the Provincial Legislative Council were granted, in view of the fact that those five seats may not all go to one community or the other, it is likely to disturb the communal arrangement? Is that what you are asking?

1607. Yes?—It depends upon what is considered as the communal arrangement. I am sure that you, as a Hindu, cannot agree to the communal arrangement that has been approved in Bengal; neither can I; but I am speaking to-day on behalf of landholders, and I must insist, or rather impress upon the Committee that the landholders would be very much opposed to any communalism being brought in to what is considered a Joint Electorate at the present moment. Whether the landholders return five, or the landholders return 10, it is now a Joint Electorate. There is no Hindu-Muslim question or any other communal question. Anybody who has the qualification of a landholder can sit, and if he is a popular man, if he gets

21^o Junii, 1933.] The Maharajadhiraja Bahadur of BURDWAN, [Continued.
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the trust of his fellows, he can come in, and I think that the landholders would insist that in any future enlargement of their body, of the special constituency, the same principles should continue to apply.

1608. I will not pursue the matter further. I have one more question to ask you, and that is about the Permanent Settlement. At the present moment in Bengal, in the case of the landlords, with whom the Permanent Settlement has been made, and the actual cultivators, there are a very large number of sub-leases sometimes running to 25 years; is that not so?—Yes, quite possible.

1609. Now in all these transactions between the landlord and the next man and the next man, and so on, these are all borne on the footing that the revenue is unchangeable for ever?—Yes. May I make one observation in that connection?

1610. Certainly?—Supposing the Permanent Settlement ceased to exist to-morrow in West Bengal, the whole of the Bhadrakola class in Bengal would be swept away; at the present time they are kept together by the Permanent Settlement, because in nine cases out of 10 they are tenure holders either Patnidars or Dur Pattidars under the Burdwan Raj.

1611. In what way would they be swept away?—Because they are really the bulwark of all the agricultural Zamindari system. The big landholders like the Maharajah of Burdwan and others are more like feudal lords. They have settled because they have got such large properties which they cannot manage themselves. That is the only way they can get in the revenue to pay in the revenue according to the Sunset law of Regulation 1, which is now the Permanent Settlement.

Sir Purshotamdas Thakurdas.

1612. Maharajah Sahib, generally speaking, amongst the politicians in India and in the Legislature, either Provincial or Central, during the last 12 years since the Montagu-Chelmsford Reforms have been introduced, the landholder class has been looked upon as a very Conservative class, as far as political views are concerned. Is that a fact?—It depends upon what aspects of political views they are considered as

Conservative. In certain aspects they may be just as Liberal as many others.

1613. I mean, regarding any advance in matters political, advance in reforms, expansion of the Constitution, a bigger franchise, and so on. The view among the politicians in India has been that the landholder class is a Conservative class?—As regards the bigger franchise, I hope there are still in India many others outside the landholders who see the danger of a bigger franchise, but as regards other points, I may say that since the time that Sir Tej Saprú and myself were on the Reform Committee in 1924, the majority of the landowners, including myself, have realised that great changes have got to come.

1614. Your class, Maharajah Sahib, has a substantial stake in the country, in the shape of having large properties or incomes coming from those properties, and generally it is looked upon as the upper-class in India?—I think we have substantial stakes, just as you have, Sir, in your own sphere in Bombay.

1615. I was just restricting it to your interest. You have a substantial stake in the country?—Exactly, but in my sphere.

1616. We are referring to your sphere only, and nobody else's sphere. As far as that stake of yours is concerned, any disturbance to Law and Order in the day-to-day working of the Constitution would affect you substantially?—It would.

1617. If, therefore, your Associations and gentlemen of your class desire an advance in political reform, you have taken cognisance of any risk that may be involved in such advance?—I am willing to take that risk, provided the public servant and the permanent officials are not tampered with by politicians. That is to say, it does not matter who the Service men may be in the future, provided that they can do their work properly, I do not see any danger in the ordinary running of the Department of Law and Order under an Indian Minister.

1618. Therefore, when you said you wanted the Law and Order in the Provinces to be transferred, you had taken cognisance of all the risks which are involved in the general scheme outlined in the White Paper?—Yes, in the general scheme, but regarding Bengal, I may have certain other matters to put.

1619. I am talking now of the general scheme?—Of the general scheme.

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1620. And in giving your opinion as you have given it now, you have not overlooked such risk as may be involved in it?—I think we have all got to take a risk in the experiment that we are about to embark upon.

Mr. Jayaker.

1621. Maharajah Sahib, you have, as you said to my friend on the right, very large interests in Bengal?—Yes.

1622. And I take it that in spite of your stay in this country, you maintain an intimate contact with the feeling in Bengal?—Yes, because I am often there; at least once a year if I can go over.

1623. Do you share the view which has been expressed in some quarters that the existence of the Terrorist movement in Bengal would provide any justification for the reservation of Law and Order?—It would provide justification for the Governor of Bengal having special powers which he can use when it is necessary.

1624. Of the nature that are mentioned in the White Paper?—Yes; and also probably of a nature that the Secretary of State for India may have to deal with in discussion with the Governor of Bengal; but it does not justify, in spite of everything, the holding back from the people of Bengal the Portfolio of Law and Order.

1625. Do you take the view that an Indian Minister, given the right powers, will be able to deal with disturbances of Law and Order quite as efficiently as any other?—So long as he is alive, and not bombed, I should think he would be able to do it just as well as any other.

Sir Tej Bahadur Sapru.

1626. From the point of view of the Zamindars, is it or is it not a fact that the most important Provinces in India are Bengal, Bihar, the United Provinces, and Madras?—I think so.

1627. The big Zamindars are concentrated there?—That is quite true.

1628. In Bengal, in Bihar and in the United Provinces some of the Zamindars hold very vast lands?—They do.

1629. Am I right, or am I wrong, in saying that there are at least some Zamindars in Bengal, in Bihar, in Oudh and the United Provinces whose revenue runs into several thousand pounds a year?—By revenue, do you mean the amount of land revenue, Sir Tej?

1630. Income?—It is very difficult to say income. Collection is better, because

in Bengal very few Zamindars have very large incomes from the Permanent Settlement.

1631. You are thinking of the Permanent Settlement?—I know. The great Permanent Settlement, which I am here to support, has nearly sucked dry most of the Bengal Zamindars. For the great principle that underlies it, they are advocating it; therefore, when you say they have large incomes, that is not right. They have large collections.

1632. Now take, for instance, the United Provinces, those parts of the United Provinces where there is no Permanent Settlement. You do not know about them, do you?—I do not know anything about them.

1633. They have got very large Zamindars?—(Nawab-Zada Liaquat Ali Khan.) Yes, especially in Oudh. In Agra Province there are few big Zamindars.

1634. So far as Zamindars are concerned, may I just ask a few questions of Nawab-Zada Liaquat Ali Khan. So far as the Zamindars in the United Provinces are concerned, they have been very largely represented in the United Provinces' Legislative Council during the last 12 years?—In the first elections the Zamindars came in greater numbers, because a certain political party boycotted the elections; but in the second elections, when the Congress contested the election, the number of Zamindars was diminished.

1635. And in the third election?—In the third election, again, the number was less; but in the last election when the Congress boycotted the Councils, again the Zamindars have come in greater numbers.

1636. Am I right, or am I wrong, in inferring that, so far as the Congress was concerned, when it entered into the contest it made a great deal of difference in your representation?—Yes, it did.

1637. And most of the voters belonged to the rural classes?—Yes, that is true.

1638. They were, therefore, amenable to the influence of the politicians?—They were.

1639. Will you please tell us now whether the masses are absolutely apart from the political classes in the United Provinces, or whether the political classes in the United Provinces have acquired a great hold over the masses?

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—They are not quite apart; they are susceptible to political influence, like any other classes. The urban classes are more so than the rural classes, and in the elections, when the Zamindars fared badly it was because in the rural areas the Congress people carried on a certain kind of propaganda which they themselves knew to be false propaganda, but it was moonshine to the poor tenants.

1640. Now you had great trouble in the United Provinces last year over the rent question?—Yes, we had.

1641. At that time the peasants were in direct touch with the political classes, with the Congress politician?—They were, and, as I said just now, it appeals to everyone if they are told “Do not pay your dues.” If I were in a position to do that propaganda, then I would have the same influence with those people.

1642. Therefore, for better or for worse, the political classes have been acquiring influence with the masses?—They have, for worse.

1643. Now do you think, from the point of view of the Zamindars, it would be right or it would be proper to keep out Law and Order from what is called Provincial autonomy?—I do not think it will be right to keep the Law and Order as a reserved subject. The general feeling of the Zamindars about the White Paper is that, if anything, it should be more Liberalised, and if it is whittled down, I can say, with personal knowledge of the local conditions and the feeling of my Association, that it will create dissatisfaction amongst the people and the Zamindars as a whole.

1644. Therefore, I take it that the Zamindars do definitely want the transfer of Law and Order to popular control?—Yes.

1645. Now will you please tell us what has been the attitude of the United Provinces' Council to questions of Law and Order during your experience as a member?—The attitude of the United Provinces' Council has been most excellent, and it is due to that attitude that the menace with which the United Provinces was threatened has disappeared. They have always supported the Government in their maintenance of Law and Order, and there has not been a single occasion on which the Council of the United Provinces has taken any

other attitude than support for Law and Order.

1646. And they have supported the maintenance of Law and Order, notwithstanding the fact that some of them have been very badly criticised in the Press?—They have.

1647. Now would you please tell us what has been the attitude of the Council as a whole in regard to the question affecting the masses?—As regards that, the United Provinces is an agricultural Province, and I can say that during the last twelve years since the Reform Councils, more has been done for the tenant than was ever done before, and it has been done when the number of Zamindars was really effective in the Councils. That shows that the Zamindars are more concerned about the welfare of their tenantry than any other class of people.

1648. Will you please tell me whether it is not a fact that the rights of the tenants are regulated by certain Acts passed by the Indian Legislature or by the Legislative Council?—Yes.

1649. Now one of the points on which the tenants have been very insistent is security of tenure?—Yes.

1650. What has been done in the United Provinces to secure the security of tenure to the tenant—will you please tell the Committee?—The Life Tenancy Acts have been passed in the United Provinces, which give a life interest to every tenant, and to his successor for five years, if he chooses to keep the land. That has been done as regards the security of tenure.

1651. Now am I right, or am I wrong, in assuming that other political classes were prepared to go even further than the Zamindars were?—At the time when these Bills were under discussion, I was not a member of the Council.

1652. But from your knowledge of the public affairs of the United Provinces, is it, or is it not, a fact that the general criticism was that the Bill did not go far enough in favour of the tenants?—I think that was the general criticism, but I think that was only for the sake of criticism without meaning anything. Everybody realised that the tenant was being given a right which the tenant in most of the other Provinces did not enjoy.

1653. Will anyone from Madras tell us what is the position in regard to this

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matter?—(The Kumarajah of Venkatagiri.) In Madras, Sir Tej, the tenants have full occupancy rights, and the Zamindar has not got any right of eviction.

1654. When was that legislation passed?—In 1906.

1655. And has there been since then any development of it or any amendment of the legislation?—No. There was recently a Bill on the matter, but it was suggested in the Council to put it off, and the Government has postponed consideration of the Report of the Select Committee.

1656. What is the state of primary education in the villages now? I would expect some of you gentlemen to answer for your Provinces. Take, for instance, the United Provinces?—(The Nawab-Zada Liaqat Ali Khan.) It has certainly improved during the last few years.

1657. Have any measures been taken by the United Provinces Council?—Yes, they have introduced compulsory primary education in certain areas, and a vast amount of money is voted by the Council every year for spending on education in the rural areas.

1658. What was the nature of the general demand at the time of the financial discussion in regard to the rural areas? What did you want generally at that time?—Generally these discussions come up when the demands are put before the Council, and the tendency of practically every member, except a few who are only interested in politics, that there should be more education for the masses, better sanitation, improved agricultural methods, and medical relief.

1659. Now have you been voting larger sums of money than was the case before the Montagu-Chelmsford Reforms?—Yes, we have.

1660. Am I right in assuming that the progress achieved by the present Councils is appreciably larger than was done by the official Government up to 1920?—It is, undoubtedly.

1661. In regard to all these matters?—In regard to all these matters.

1662. And there is still a demand for much greater progress?—There is.

1663. Now just one or two more questions. Will you please tell me whether your Councils discussed the White Paper after its publication?—They did.

1664. And other Provinces, too?—(The Rajah of Parlakimedi.) Yes.

1665. What was the nature of the Resolutions adopted?

1666. What was the trend of the debate?—The proposals were discussed, and the trend of the speeches was that the proposals embodied in the White Paper did not go far enough. They wanted the proposals to be Liberalised.

1667. And in Madras?—(The Kumarajah of Venkatagiri.) In Madras a Resolution was passed, in the Madras Legislative Council. It was an agreed Resolution by all the parties, excepting one party.

1668. Who was the party who dissented?—The European group could not commit itself entirely. The Resolution was passed. Excepting that group, all the other groups lent their wholehearted support to the Resolution.

1669. What was the Resolution?—The Resolution was to the effect that they suggested certain changes in the White Paper and the changes were that the Governor's powers should be more restricted, and that the Governor's powers with regard to the appropriations in the Budget, the powers of certification, should also be deleted. That was the Resolution passed by the Madras Legislative Council, and they also recommended that Defence should be placed in the hands of a member belonging to the Legislature, if that was possible.

Sir Tej Bahadur Sapru.

1670. While approving the White Paper, they made certain suggestions?—That is the form in which it was resolved.

Sir A. P. Patro.

1671. While approving the proposals in the White Paper they made certain suggestions?—That is exactly the form in which it was resolved.

Sir Tej Bahadur Sapru.

1672. Can you kindly produce the Resolution before the Committee?—(The Rajah of Khallikote.) I have not got it here, but I can produce it. (The Kumarajah of Venkatagiri.) The proceedings were sent to the Joint Committee.

1673. Can any of you gentlemen say anything with regard to the Bihar or other Councils?—(The Maharajahdhiraja Bahadur of Burdwan.) In what way?

1674. What was the nature of the opinion expressed?—I am afraid I can-

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not say that; I have no papers in front of me.

1675. As far as Bihar is concerned perhaps we had better put that question to Mr. Sinha, who is the leader of the Opposition?—Yes.

1676. May I ask whether the Zamindars as a body are keen on responsibility at the centre?—So far as that is concerned, I think that the Zamindars who have large stakes in the provinces are anxious to make the Provincial Government a success. Hitherto, of course a good deal of stress has been laid on the fact of the Indian States joining in, but, apart from the Indian States joining in, the Provincial Governments are going to play a very important part in any Federal scheme, and therefore I think the Zamindars want to see how the future Provincial Governments are going to shape before they can commit themselves to this question of responsibility in the centre, but I think that all Zamindars are agreed that a Federal scheme should be evolved, and that at the time of the introduction of the new reforms there should be some transfer of responsibility to the centre.

Mr. Rangaswami Iyenger.

1677. I want to put one or two questions to the Kumarahajah of Venkatagiri who comes from my Province. You have asked in your Memorandum, Rajah Sahib, that the question of the proposal of a Second Chamber for Madras should be revived and a Second Chamber should be established in the Madras Legislative Council?—(The Kumarahajah of Venkatagiri.) Yes, I have done that.

1678. You are aware that the Madras Government two years ago definitely pronounced against the institution of a Second Chamber in Madras?—It was in its Memorandum to the Statutory Commission.

1679. It was in its Memorandum to the Statutory Commission. It pronounced itself against a Second Chamber in Madras. You are also aware that at the recent discussion of this question in the Madras Legislative Council, of which you are a member, the Legislature, by a large majority, pronounced itself against the institution of a Second Chamber?—I am quite aware of it. May I give the reasons which have induced me to make the demand, in spite of the conditions as described by Mr. Rangaswami Iyenger?

1680. They are recorded in your Memo-

randum. I have seen your statement on it explaining why you made this demand. I am merely eliciting the fact that other people in the Madras Legislative Council, and the Madras Government itself up till quite recently was decidedly against the institution of a Second Chamber. That is the only point I wanted?—It is because subsequently the Madras Government also recommended it, and because I was sure that the discussion that took place on this question in the Madras Legislative Council was clouded by other issues, that I dared to make that demand.

1681. That is all right. We understand that. I take it that you endorse the observations of other Zamindar representatives here that, on the question of the maintenance of Law and Order in the Madras Presidency, it is impossible to introduce provincial autonomy in Madras without the transfer of Law and Order?—On that question I am afraid I am not in a position to commit the Association (the Zamindars as a class belonging to Madras Province) to that, because I have not received any specific mandate from them on that, but from what I could gather in my individual capacity they are for the transfer of Law and Order.

Sir Hari Singh Gour.

1682. Maharajah Sahib, I take it that all of you have read the Memoranda submitted by the various Associations representing the land-holding classes in the various parts of India. I particularly refer to two Memoranda; one is the Memorandum by the Kumara Rajah of Venkatagiri, No. 23?—(The Maharajahdhiraja Bahadur of Burdwan.) We have not got that.

Chairman.

1683. I should like to know from the Witnesses whether they have read this Memorandum?—No; I have not it.

Sir Hari Singh Gour.

1684. The other is the Summary of Evidence of the Orissa Landholders, Memorandum No. 24?—Yes; we have been given a copy by the Rajah of Khallikote.

1685. Do I take it that the statement of views by one of you on the subject of provincial autonomy without the reservation of Law and Order receives the concurrence of the other representatives here?—I think the answer to that is

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that the three bodies which I represent have submitted the case of the landholders, and, as such, they have not given any expression to that specifically, but individually, I think, they are all agreed that provincial autonomy could not be complete without the transfer of Law and Order.

1686. Do I take that view to be the expression of the views of other gentlemen who are your colleagues here?—I think the Rajah of Parlakimedi and the two gentlemen from the United Provinces and the Rajah of Khallikote have already expressed that view, and I think the Kumarajah of Venkatagiri has just said he cannot commit the Zamindars as a whole, but he individually holds that view. (Rajah Sayed Mohammed Mehdi.) I have received no special mandate from my Association as far as the question of provincial autonomy is concerned, but the sense of the British Indian Association of Oudh is that they welcome the proposals and general principles embodied in the White Paper, and they think that if Law and Order is not transferred, as it is proposed in the White Paper, it would weaken the Conservative element of the country and their influence also, because it would be regarded as a token of breach of promise by the British Government. The promise has been made so often and so repeatedly that there is no question of whittling down the proposals embodied in the White Paper, but the Association has not expressed it in the form of a definite resolution on this point.

1687. I take it that that is the general view of the members of your Association?—Yes, which I am expressing.

1688. Which you represent?—Yes.

1689. It has been stated by the Maharajahdhiraja Bahadur of Burdwan that he wants that there should be a measure of responsibility in the centre, and in some of the Memoranda, the two Memoranda to which I have referred, it has been pointed out that this must synchronise with the introduction of provincial responsibility. Is that the view of all you gentlemen representing the various landholding interests in India?—(The Maharajahdhiraja Bahadur of Burdwan.) I think there again we can only represent our individual views, as no special mandate has been given to us on that point by the landholders' associations, whom we, in the main, are representing here to-day.

1690. But your individual views, I understand, are the views which you can give collective expression to here—the personal views of you all?—The individual views, if put collectively, would be that it would be wise to introduce, at the same time when provincial autonomy is granted, a certain measure of responsibility in the centre.

1691. As regards your special representation in the Provincial Legislature, do I take it that you have any interest apart and distinct from the tenantry class, or the general public?—I think every landlord has got an interest outside his landed property, or the welfare of his tenantry, because they have to come into every-day contact with different spheres of life in their provinces, and, as such, they are naturally interested in the general advancement of their province.

1692. As such, are you not sufficiently represented in the Provincial Councils through the medium of the general electorate?—No; we are not.

1693. You know what the Statutory Commission have said about your representation?—Yes; we have been told that *ad nauseam*, but we stick to our views.

1694. Have you any reason to disagree with the views of the Statutory Commission?—Most certainly we do.

1695. Have you any special reasons to disagree with their considered view?—The reasons for dissenting from the considered view were these, that I do not think the Statutory Commission realised fully that, because there were certain Zamindars belonging to the landholders' constituencies who could have got into the Legislative Councils by general constituencies, that was not a sufficient case for excluding the Zamindars from having their special constituency.

1696. As regards the permanent settlement, you have said that it was introduced by the Regulation 1 of 1793? In other words, permanent settlement is a creature of the Statute?—Whether it is entirely a creature of the Statute, or whether the British Government would have been there in India to-day without the permanent settlement, is, not only a matter of history, but a matter of fact.

1697. Whatever may have been the underlying policy, the fact remains that the permanent settlement is a creature of the Statute?—The Zamindars, in spite

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of their liberal views, do not want any future creatures of the Statute to take away this pledge that was given by the British Government at that time. They consider the Permanent Settlement pledge just as sacrosanct as the Scrap of Paper for which the British Government went to War in 1914.

1698. Where is the pledge?—You can read in the Preamble what was said by Lord Cornwallis and you will find it in these papers.

1699. That is to say, the pledge was embodied in the Statute?—Whether it was embodied in the Statute or not, you must not forget that in those days the British Government were not in the same position as they are to-day, nor did they have the Legislature that they have to-day. They were in a very difficult position in those days. They were constantly in want of money to carry on wars to get British supremacy over India, and in consequence of that they had to fall back upon a permanent revenue, and that was one of the reasons why the Permanent Settlement was brought in.

1700. You have given some very weighty considerations why the Permanent Settlement should not be tampered with. For example, in the Representation of the British Indian Association, and on behalf of the landowners of Bengal, you give very weighty reasons why the Legislature should not interfere with the Permanent Settlement in Bengal?—Yes.

1701. Do you distrust the Legislatures of the future and think that these considerations will not weigh with them?—I do not know what one distrusts or what one does not, but what one wants to have recognised is that the landholders, as a body, consider that their integrity would be more secure if the Permanent Settlement was considered as a pledge and put in the Statute and in the new proposed Constitutional Act as a fundamental right.

1702. Another statement that you have made is that (you say it is not very clearly brought out in the Memorandum) there should be a statutory immunity from Agricultural Income Tax. Are you aware that the landholders all over India are, at the present moment subjected to the super-tax which is supplementary to the Income Tax Act of the country?—Yes.

1703. You have no objection to the payment of super-tax?—I think the

super-tax is paid on certain other incomes.

1704. Including the agricultural income?—I do not think so. (The Rajah of Parlakimedi.) No.

1705. Agricultural income is not taken into consideration?—No.

1706. Your point of view, therefore, is that the statutory immunity should extend to the exemption of your class from Agricultural Income Tax and super-tax?—I do not think the super-tax question comes in.

Sir Abdur Rahim.

1707. You said the Permanent Settlement under Regulation No. 1 of 1793 ought to be perpetuated. Can you give any other instance of a statute or law that ought to be made permanent in which the Legislature should not interfere?—(The Maharajahdhiraja Bahadur of Burdwan.) No, I cannot at the moment, but the Permanent Settlement stands on a very special footing and I do not know of any other Act that can be cited, excepting, of course, that the Permanent Settlement regulations were extended to part of the United Provinces and Madras afterwards by subsequent regulations and, of course, they stand on the same footing as Regulation No. 1, because it is part and parcel of the Permanent Settlement.

1708. Apart from that, I cannot think of any statute which anybody has claimed should not be liable to amendment or repeal if the exigencies of the time required it?—I could not say off-hand.

1709. Is it not a fact that in Bengal, for instance, many of the Zamindaries have been constantly passing into new hands, and there are very few left in consequence? Is not that so?—I think many of the Zamindaries have been crippled by that very Permanent Settlement that the Zamindars are asking for, but, on the other hand, below the big Zamindars, have grown up a large body of tenure holders—influential people—who have got a real stake in the country, just as much as the big Zamindars, and in some cases, no doubt, especially in view of the non-co-operation movement in the district of Hoogli Midnapur and others, many Zamindaries of that description have changed hands. As regards the big Zamindars, although it is very difficult at times to keep their heads above water, they have done so up to now.

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Lord Irwin.

1710. I suppose all these changes that you refer to, land changing hands and so on, have been on the basis of the Permanent Settlement?—Yes.

Sir Abdur Rahim.

1711. There are many people who like to invest their money in purchasing Zamindaries, are there not?—I do not know that there are many who do now, since Mr. Gandhi came into the field with non-co-operation. No one wants to buy a Zamindari if he cannot get his rent. It is not a paying concern.

1712. I understand you object to agricultural income being taxed?—Yes; I think we object to it again on the pledges of the Permanent Settlement.

1713. Have you any other reason for objecting to that? I take it Zamindars have an income, and if they have an income there is no *prima facie* reason, unless it be the Permanent Settlement, why they should not pay tax?—When the Permanent Settlement was passed we did not have these different local rates and taxes. We did not have the roads and public works cess; we did not have the education cess. You have various other cesses now. What is more, many inroads have been made into the Permanent Settlement by lumping in things like Jalkar and Falkar into the income tax. Therefore, when you come to examine the Permanent Settlement Zamindars right, you find there is every reason for the Zamindar to fight to the death against the introduction of tax on agricultural income. (Nawab-Zada Liaqat Ali Khan.) In the United Provinces we have not got Permanent Settlement, except in one or two districts. We object to this tax on agricultural income because we already pay a very heavy tax every year in the form of Land Revenue, which is assessed after every 30 years. The rate at which the Land Revenue is assessed varies from 35 to 45 per cent. of the gross income, besides this there are other local cesses. Therefore, the Zamindars in the United Provinces are against any further taxation on agricultural income because they already pay a very high tax on the income which they draw from land.

1714. Land Revenue you consider as a tax on income?—Exactly.

1715. Do you know that the Statutory Commission took a different view of its

real nature?—That may be so. It is not necessary for me to accept what the Statutory Commission has said. They are entitled to their opinion and we are entitled to ours, and there is no such thing as a final authority on this point. (Rajah Sayed Mohammed Mehdi.) The Taluqdars were in possession of certain estates before the annexation of Oudh took place, before the British occupation, and no fresh people can be made Taluqdars in Oudh, so in Oudh the land has not changed hands so much and it cannot be said that it is our income. We had these possessions and we had to pay in tax.

1716. What did the law of conquest do?—We were given back the land and the Taluqdar system was revived and perpetuated by Lord Canning, and a Land Revenue was fixed for the Taluqdars subject to a revision at the end of every 30 years, and we are paying more on our income than any other class is paying in income tax; for instance, a moneylender pays far less on his income than we pay. When he has to pay three annas in a rupee, the smallest Zamindar has to pay about six annas.

1717. Is it not a fact that the Bengal Legislative Council passed a resolution against a Second Chamber?—(The Maharajahdhiraja Bahadur of Burdwan.) It is quite possible, and they also got it by a small majority, I believe.

Sir N. N. Sircar.

1718. One vote?—One vote, but I think in the White Paper the principle has been accepted and that Bengal, at least in the White Paper, has been promised a Second Chamber.

Mr. A. H. Ghuznavi.

1719. Maharajah Adhrraja Bahadur, you were a Member of the Legislative Council of Bengal?—Yes; I was a Member of Lord Ronaldshay's Cabinet from May, 1918, until he left, and then I was with Lord Lytton until April, 1924.

1720. Do you consider that it is of vital importance to landholders that the Permanent Settlement regulations should be safeguarded by being incorporated and specified in the Constitution Act?—I do.

1721. That is also the view that has been expressed by the Bihar Landholders' Association?—Yes.

21° Junii, 1933.]* The Maharajahdhiraja Bahadur of BURDWAN, [Continued.
The Rajah of PARLAKIMEDI, Rajah SAYED MOHAMMED MEHDI, The Rajah of KHALLIKOTE,
Nawab-Zada LIAQAT ALI KHAN and The Kumarahaj of VENKATAGIRI.

1722. And that view is the view held by the Bengal Landholders' Association?—Yes.

1723. And that is the view of the All-India Landholders' Association?—Yes.

1724. You know that in West Bengal and in North Bengal the revenue paid to the Government exceeds in some cases 60 per cent. of the gross collection?—May I say I am the whipping boy of the Zamindars, and I pay 75 per cent. of my collection out of the land revenue. No individual, in the whole world pays that.

1725. Then you have to pay various cesses?—Yes.

1726. Which, I take it, take away another 15 per cent.?—Yes.

1727. Then there are the collection charges to collect the revenue?—Yes.

1728. Then also we know that we cannot collect 100 per cent. There is always a collection of not more than 80 per cent.?—Yes.

1729. Therefore, very little remains to the Zamindars in the way of their income. Is that correct?—That is quite correct.

1730. In Bengal the Zamindars in general and Muslims Zamindars in particular have given free tenures to the priestly classes?—Yes; the Burdwan Raj has given, perhaps more than it should have given, in the old days.

1731. And they do not pay any rent?—No.

1732. Whereas the Zamindars have to pay revenue for those portions of land which they have given to them as free tenures?—Yes.

1733. Do you remember that under the Morley-Minto Reforms it was for the first time, I believe, that the five seats were given to Muslims as communal seats?—I believe so.

1734. And the rest they were asked to contest in the General Election?—Yes.

1735. Will you take it from me that apart from the nine seats to which the Muslims got elected, excepting in one case which was by a fluke, not a single Muslim was elected in the Bengal Legislative Council?—That is quite possible, but that was in 1909.

1736. Excepting one who was returned by a fluke, the Hindu candidates nomination paper not being in order?—Yes.

1737. And the Bengal landholders' constituency consists of the Muslims and Hindu landholders. Would you tell us that during the last 12 years a single Muslim Zamindar was elected to the Bengal Legislative Council from the Landholders' Constitution?—Quite possibly not, but that was not the fault of the landholders. Probably nobody stood, or the man who stood did not have the confidence of his brother Zamindars in the constituency.

1738. I will tell you that Muslim Zamindars did stand for election in the landholders' constituency, but the fact remains that not a single Muslim Zamindar was returned?—That is quite possible.

1739. The Zamindars in Bengal and Bihar have been very loyal to the Government?—I believe so.

1740. They have always rendered loyal assistance whenever they were asked to do so?—Yes, I think so.

1741. It is only recently, since Mr. Gandhi's advent, that they have become helpless?—I think it is because this non-co-operation movement has spread amongst the peasantry, among the ryots, and if I were told "I have not got to pay land revenue," I suppose I would also go and embrace Gandhi, but when the ryots are told that the Golden Age has come back, and that they have not got to pay any rent or rent, naturally the tenants think "We shall not pay any revenue," but the difficulties have been very great; even now they are very great.

1742. I will ask you one more question. Will you kindly explain to the members of the Committee what the Sunset Law means?—The Sunset Law is this, that under the Permanent Settlement the Government revenue is paid in four instalments. If a Zamindar defaults and is unable to pay in his land revenue on that particular day before sunset, his Zamindari is liable to be sold. It was for that reason that my great-grandfather got into difficulty when he was unable to pay his land revenue, and it was later that his son was instrumental in getting for himself, and others of Bengal, what is known as Regulation 8 of 1819, which is the Patni Law; and the Patni Law gives this protection to the Zamindars, that twice a year they can all apply under the Patni Law to get their rent in on a particular date under the Sunset Law.

21^o Junii, 1933.] The Maharajahdhiraja Bahadur of BURDWAN, [Continued.
The Rajah of PARLAKIMEDI, Rajah SAYED MOHAMMED MEHDI, The Rajah of KHALLIKOTE,
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Dr. Shafa' at Ahmad Khan.

1743. Maharajah Sahib, you advocate an increase in the seats for The Bengal Council for your Association?—I have asked for five seats for the landlords, that is true; one for each division. I am talking of Bengal only.

1744. Personally, I have always been supporting the landlord party in the Council, and I shall continue to do so?—I am very glad to hear it.

1745. But the difficulty is this, that the communal award was published after very great care, and after the proportions for various communities had been fixed. Are you prepared to maintain the same proportion?—I am not prepared to bring in the communal question at all to the Zamindari electorate. It has been a joint electorate, and we shall insist on its being a joint electorate right through. If the communal question is to be attacked in other ways, that is a matter for those who are to go into the matter, but after Sir Samuel Hoare's talk this morning and the ruling of the Chairman, I do not want to enter into the communal award in detail. But apart from the 20 special seats, the communal award is certainly not an award that the Hindus of Bengal approve of. If you want to know that, I will say so. (Nawab-zada Liaquat Ali Khan.) My Association considered this question and realised the significance of the communal award. They are against communalism being introduced amongst the Zamindars, but realising all these difficulties, they have laid it down in their Memorandum that we may at once make it clear to His Majesty's Government that an increase in the allotment of seats demanded by us may be made without disturbing the communal balance.

1746. How?—My Association and the Talugdars Association are jointly asking for six more seats for the United Province. At present we have six seats out of 100 elected members. The Lower House is going to consist of 228 members in the future. The same number of seats have been retained for the landlords in a House of 228. We want that six more seats be given to the landlords of the United Provinces. The difficulty would be got over in this way, that if six more seats are added to the 228 already announced in the White Paper, and a condition is laid down that

of those six seats two at least will be held by Muhammadans from the Zamindar constituency, that will not disturb the communal balance, and at the same time it will satisfy the Zamindars of the United Provinces.

1747. What is your view, Rajah Sapeli?—(Rajah Sayed Mohammed Mehdi.) The view of the British Indian Association is that the number of seats should be increased without disturbing the communal award, so we have no objection in allotting seats in a manner not to disturb the communal award, and the proportion of representation of the two communities. (The Kumarajah of Venkatagiri.) As far as my Association is concerned, it has not considered this question, but still my opinion is that they will have no objection to adopt the method that has been suggested by my other friends, if that is to be the only method by which they will get increased measure of representation which they demand.

1748. Do you agree with this view, Rajah of Parlakimedi?—(The Rajah of Parlakimedi.) I represent the All-India Landholders' Association, and I have had no special mandate on this point, but I know that the President of the All-India Landowners' Association has given a clear indication that so far as Bengal and Bihar are concerned, additional Muhammadan weightage should not be supported, but as regards the other Provincial Legislatures and with my experience of the local areas, viz.: Madras and Orissa, I do not think there would be any objection to increasing proportionately the Muhammadan element when we ask for the increase on the landholders' side.

1749. What is your view, Rajah of Khallikote?—(The Rajah of Khallikote.) I represent a new Province, and I would only emphasize what I have stated in my Memorandum, that there should be five Muslims instead of four in a Council of 68, which I am asking for instead of 60. That is the view of the Association which I represent.

1750. Maharajahdhiraja Bahadur of Burdwan, you want a fundamental safeguard. I take it, for the preservation of the Permanent Settlement of Bengal?—(The Maharajahdhiraja Bahadur of Burdwan.) Yes, I have already said so.

1751. Would you be satisfied if it is embodied in a pronouncement by His

21^o Junii, 1933.] The Maharajahdhiraja Bahadur of BURDWAN, [Continued.
The Rajah of PARLAKIMEDI, Rajah SAYED MOHAMMED MEHDI, The Rajah of KHALIKOTE,
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Majesty or in the Constitution?—I think the Association's Memoranda say that they would certainly not be satisfied with it in the Proclamation, and I do not think that they would really be satisfied if it was included in what is mentioned, I think, in the Bihar Landowners' Memorandum, included in the instructions "to be issued by His Majesty to the Governor-General and the Governors, that the term 'minorities' whose 'legitimate interests' are to be safeguarded by them, includes not only religious and racial, but also economic minorities like the landholding classes," but my Representation from the Bengal landholders and the British-Indian Association insists more on its being included as a fundamental right in the statute.

1752. I take it, your general attitude to reform is that you do not quarrel with any moderate political party provided your rights are safeguarded in the Constitution?—That is a very general question.

1753. I am putting it in general terms?—In the matter of reform, I do not think there is anybody who can differ upon any programme for the advancement of the Province in all its branches.

1754. But you would, of course, insist, and you have done so in your Memorandum, that your rights should be safeguarded explicitly in the Constitution?—Naturally; that is what I am here for.

1755. Am I right in thinking that the anxiety expressed and the apprehensions to which reference has been made, do not really involve any distrust of the reform, but they simply imply that any change that is made in the Constitution should take into account the special position of the landlords?—I think that is so, but, on the other hand, probably politicians have not yet tumbled to the fact that there may be very many dangers ahead within, not from without, and I think the landowners are anxious that these matters in which they are so vitally interested should be safeguarded in such a way that they may be able to pay more attention to general matters.

1756. In your opinion, the landholders of India will be one of the most stable elements of the Constitution?—It is not only the landholders, because if you see my paper on the question of a Second Chamber, in which I am very strongly of opinion that there should be some sort of electoral college from which people

should be elected, I include other people with a stake and interests in the country.

1757. I am only talking of the landholders?—I include the landholders in the same category.

1758. Is your view regarding the Second Chamber endorsed by your Association?—Which view?

1759. You want to introduce a hereditary element?—That is only a side-show, but the electoral college has been mentioned by the British-Indian Association. You were not talking of the hereditary element before I spoke.

1760. I am talking of it now?—That is my own view, and I think that is made clear, if you have read the Papers, by Paper No. 12, because it says: "Proposal of the Maharajahdhiraja Bahadur of Burdwan." It does not give the proposals of any particular Association there.

1761. Am I right in thinking that the Zamindars have invariably supported all measures for the development of the parties?—(Rajah Sayed Mohammed Mehdi.) Yes.

1762. What is your experience of the United Provinces Legislative Council?—My experience of the Legislative Council has been that the landowners have always supported matters for the well being of the Province and for the tenants, and matters of rural education.

1763. And, probably, it will serve as a very striking example of their support for the rural matters, that they have passed two Acts, the Agra Tenancy Act of 1921, and the Agra Tenancy Act of 1926?—Yes.

1764. The Agra Tenancy Act of 1926 with which I had something to do, conferred privileges upon the tenants who number about 34,000,000?—I wanted really to make this point more clear, because from what I gather it meant that in Agra Province the tenants got life tenure, but the majority of the tenants, at least in most parts of the Province, have holdings which are heritable, and there are also some permanent holders. Only a minority was left who were tenants at will at the time, and life tenancy was accorded to them also. As far as Oudh is concerned, after the annexation of Oudh, there have been three legislatures, from time to time, through which rights have been conferred upon the tenants, and in our Association we are prepared to improve

21^o Junii, 1933.] The Maharajahdhiraja Bahadur of BURDWAN, [Continued.
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the condition of tenancy and encourage modern methods of cultivation.

1765. Am I right in thinking that the landlords of the United Provinces have taken a very important part and are taking a very important part in the public life of their Province?—(Nawab-zada *Liaqat Ali Khan*.) Yes, they have and are.

1766. They have been foremost in agricultural development?—Yes, that is true.

1766A. And they have devoted a considerable amount of money and attention to the grant of primary education?—Yes, they have.

1767. You remember the Act that was passed in 1926 with regard to compulsory primary education?—Yes.

1768. And that has been already enforced in some parts of the United Provinces?—Yes.

1769. How do you propose to divide the 12 seats which you ask conjointly with the British-Indian Association?—That point, we have really not discussed, but the general opinion is that that will be decided mutually by the two Associations.

1770. An amicable settlement?—An amicable settlement. (Rajah *Sayed Mohammed Mehdi*.) With regard to the number of seats, I would like to point out that the proposals of the Simon Commission, and especially the figures given in the Franchise Committee, are misleading as far as the United Provinces are concerned, because the Franchise Committee did not take into consideration the actual conditions under which the elections were held; they only looked to the number of the landowners who happened to be on the Legislative Council during the three elections that took place since the introductions of the reforms; but they did not look into other reasons which brought about the number. I really would like to point out that I think the figure quoted by the Franchise Committee goes to prove our necessity, and the position in which we are left as far as the Indian opinion is concerned. The first election was held when the Congress had weakened the position of the Liberals in the rural areas, and in general constituencies, and they themselves made up their minds not to seek election. The result was that there were more landowners who had the respect and the confidence of the people. In the election of 1924 a certain section of the Congress sought election, but their

aim, in the United Provinces at least, was, and I have good reason to believe that it was, that they wanted to dethrone and oust the Liberals, so they tried to put their best men against people like the present leader of the Opposition; but they left the landholders, and did not have a free fight with the landholders because I think the Congress people understood the conditions better.

1771. I follow. Am I right in thinking that in general the relations between the tenants and the landlords in Oudh and also in Agra Province have been very good?—They are good.

1772. And satisfactory?—It is satisfactory, although at times, when there is some communistic preaching and the non-payment of taxes, the tenants, as far as that question is concerned, rather like to listen to the politician who comes from the towns.

1773. Except probably in 1931, when the No Rent Campaign was launched in some of the districts of Oudh?—Yes.

1774. But owing to the rigorous measures adopted by the Government the agitation did not last very long, I suppose?—That is so.

1775. What is the position now?—At that time we got a lot of undeserved unpopularity because we were not responsible for the running of the Government, and the chief difficulty was that they did not create an atmosphere in which the ordinary affairs of life could be carried on.

1776. You have been travelling through some districts of Oudh and holding meetings of tenants. What is your experience of Oudh?—My experience of Oudh is that I would have confidence in the good sense of Indian tenants and my tenants, and we are not afraid of putting our view to the vote of our countrymen; but the chief danger lies in the very great possibility of the people being deceived into action, the significance of which they do not understand. They are not familiar with such matters.

1777. When there was this movement of Civil Disobedience in Oudh all the moderate elements combined?—Yes.

1778. The Zamindars also?—Yes, and I think the best people in the Province wanted to fight the Civil Disobedience movement.

1779. Am I right in thinking that there is no communal tension at all inside your Association?—No communal tension.

21^o *Junii*, 1933.] The Maharajahdhiraja Bahadur of BURDWAN, [*Continued.*
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1780. And you decide the principles of the Party solely from the point of view of the Zamindar interest?—Yes.

1781. And there has been no occasion when any feeling of communal animosity has expressed itself?—No.

1782. I think the same remarks apply in so far as the Agra province is concerned?—(Nawabzada Liaqat Ali Khan.) Yes, and the mere fact that both of us represent here the Associations which are predominantly Hindu shows that there is no communal feeling amongst our Associations.

1783. You think that the Zamindars are leaders and protectors of the masses?—(Rajah Sayed Mohammed Mehdi.) Yes, they are.

1784. In what sense?—Because the people in the rural areas look to them for guidance and have confidence in them.

Sir Hari Singh Gour.

1785. That is why you want special representation?—Yes, I have my reasons for that.

Dr. Shafa' at Ahmad Khan.

1786. Although normally relations between landlords and tenants are good, I take it at times of elections people from outside sometimes seriously affect those relations?—Yes, and I think after the widening of the franchise people would be coming from the towns, and, so far, not having any constructive rural programme, they have always a large anti-landlord agitation in the Province and they think that is the best method of securing votes. Not having a constructive policy, they want to do away with the landowners and that is our real trouble because we think that people (some of the Zamindars) without knowing what they are doing, might be driven to express views to gain seats in the Council, and would not be representatives of our own special interests.

1787. In 1921 and also in the Civil Disobedience movement of 1931 it was the people from the outside which started this agitation?—Yes, because I have been touring in the districts (you just asked me that question) in some of the worst infested districts during 1921 and 1931, and I got bigger meetings, sometimes of 15,000 men in certain interior parts of the districts which were known as the worst districts, and I found as far as the Zamindars were concerned, Zamindars are not only a sort of capital-

ist, but in our Province they are also the head of the most important clan or caste in the vicinity. For instance, in a district where there are Chhitaris, most of the Zamindars belong to the Chhitaris and they have got that influence and I have known an example in 1924 in which on this question a Zamindar, because he happened to be head of a powerful clan, was returned to the Council.

1788. Your Association, I take it, is the most powerful association of landholders in Oudh?—Yes, and it is the oldest and it has the greatest tradition.

1789. It enjoys and has enjoyed many privileges?—Certain privileges, yes.

1790. Your Association in Agra has become very strong owing to the Act that was passed by the United Provinces Legislative Council in 1927?—(Nawabzada Liaqat Ali Khan.) Yes, it has.

1791. That has raised its position in Agra Province?—It has.

1792. What is the number of Members of your Association at the present time?—It is given in this Memorandum. There are I think about 700 Zamindars in the Agra Province who pay a land revenue of Rs. 5,000 or more, and 560—I think it is roughly that figure—of them are already Members of this Association. We are going to lower the qualification for the Membership.

1793. To what level?—To anyone paying a land revenue of Rs. 2,500 or more; and we hope that thus a larger number of Zamindars will become Members of this Association and the Association will then have even greater influence.

1794. Am I right in thinking that at the present time the Association has been reorganised and is working very effectively?—It is working very actively.

1795. In all the districts?—In all the districts.

1796. And there is no cleavage or clash between your association and the British-Indian Association?—None whatever. As a matter of fact, we are in complete agreement with each other about our programme for the future.

1797. And both of you are prepared to work shoulder to shoulder and make the reform a success, if your rights are guaranteed?—Yes; that is the idea and that is the intention.

1798. May I put a question to the Kumarajah of Venkatagiri. Is the

21^o Junii, 1933.] The Maharajadhiraja Bahadur of BURDWAN, [Continued.
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annexure to Memorandum 17* for discussion by the Committee?—(The Kumarah of Venkatagiri.) It was supplied to enable the Committee to understand the views which the Madras Landholders' Association hold in connection with the permanent settlement.

1799. You agree with what has been said by the Maharajadhiraja Bahadur of Burdwan in regard to permanent settlement?—Yes.

1800. And also with the replies to the questions put by Sir Abdur Rahim?—Yes.

1801. May I refer to your Annexure to Memorandum number 17?—As I said, it was supplied to the Committee to enable it to understand the views which the Madras Landholders' Association held in connection with the permanent settlement.

1802. Your Association commits itself to the annexure?—Yes, as far as that portion of it is concerned which deals with the permanent settlement.

1803. But not the other?—In regard to other matters in my Memorandum, I have dealt with them.

1804. Your personal opinion or the opinion of the Association?—Those are the opinions of the Association in the Memorandum proper.

1805. I am talking of the annexure?—The annexure was the opinion expressed by the Association expressing its view on the Report of the Statutory Commission.

1806. With regard to the fifth paragraph of your annexure, I take it the position you take is this: "Whether a portion is taken as revenue and another under the head of income tax, both are demands of the State and when, in assessing the revenue, a guarantee was given of its fixity and a declaration was made that the balance will not be altered at any time, to impose a further tax on the income or the profits does away with that fixity and alters that which was guaranteed to be unalterable." Your Association commits itself to that statement?—Yes, very strongly to that view.

Mr. Zafrulla Khan.

1807. I have only one or two questions to put to the Rajah of Khallikote, and possibly to the Rajah of Parlakimedi also. Rajah Sahib of Khallikote, I am

referring to this Memorandum No. 24, it is called: "Summary of Evidence presented by the Orissa Landholders' Association and other public bodies of Orissa." Could you name some of the other public bodies who hold views similar to those?—(The Rajah of Khallikote.) The Orissa Moslem Association has also nominated me and some other bodies also hold the same views. Of course, the other bodies are chiefly concerned with the boundaries of the new Province, but they hold those views in addition.

1808. May I draw your attention to paragraph 2 and also to sub-paragraphs (b), (c) and (d) of paragraph 11?—Yes.

1809. May I take it it is the general opinion in Orissa, at least among the public bodies whom you represent and the landholders, that the representation of Indian States in the Federal Legislature should be by some form of election?—Indirect election, yes.

1810. Now may I draw your attention to paragraph 18 of that Memorandum, where you propose a modification in the strength and composition of the Orissa Legislative Assembly?—Yes.

1811. Is it not the case that the proposals in the White Paper are that out of a Council of 60 the Muslims should have four seats?—Yes.

1812. And that your modified proposal is that out of a Council of 68, as you would make it, the Muslims should have five seats?—Yes.

1813. I put it to you that in view of the fact that there will be no Anglo-Indian or European representatives in the Orissa Legislative Assembly, that is to say, that the number of minorities which will get representation is smaller than will get representation in Legislative Assemblies in other Provinces, would you have any serious objection to raising the representation of Muslims from four to six out of 60, or from five to seven out of 70—approximately 10 per cent.?—I would have absolutely no objection. The Muslim population of Orissa Province would be about 3½ per cent., and I would have no objection to raising their representation, as suggested by you.

1814. My suggestion with regard to paragraph 18 would be something like this: The Orissa Legislative Assembly should consist of 10 more seats and the extra seats to be divided as under: Muhammadan, seven, instead of four as

* Annexure to Memorandum 17 is not printed in the Proceedings.

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proposed in the White Paper; Landholders, four, instead of two; Backward Areas, four, instead of two; Depressed Classes, eight, instead of seven; General, 51 instead of 49. Of course, in making up the total, one realizes that the Depressed Classes quota is taken out of the General seats and is not to be added twice?—Yes. If you are going to raise the strength by 10 more seats I would suggest the landholders should have five instead of four.

1815. Take it out of the General seats and say landholders, five instead of two?—Yes.

1816. Rajah Parlakimedi, will you kindly in case you are interested eventually in the Orissa Legislative Council, inform the Committee whether your view agrees with that of the Rajah of Khallikote?—(The Rajah of *Parlakimedi*.) Yes, I agree with the view of the Rajah of Khallikote.

Sardar Buta Singh.

1817. Kumarahajah of Venkatagiri, I would like to put this question to you: Are you aware that under the Income Tax Act a certain amount of income is exempted from tax, say, up to 1,000 or 2,000 rupees?—(The Kumarahajah of *Venkatagiri*.) I am aware of it.

1818. And as regards Zamindars any person who is cultivating an acre, or even less than that, has to pay a certain amount of land revenue?—He has to.

1819. Do you think it equitable or very inequitable, considering this point of view, that Zamindars in all the provinces are the backbone of Government?—Whatever might have been the reasons which led the Government to enter into the Settlement as it exists at the present moment, it should not be altered.

(The Maharajahdhiraja Bahadur of *Burdwan*.) I do not think that is the point. What I think the gentleman is asking is, do not you think it is unfair to the Zamindar that he has to pay even for a small holding, whereas, in the case of Income Tax, nobody pays until he has an income of Rs. 1,000. Is not that the question? (The Kumarahajah of *Venkatagiri*.) As far as the question is concerned I consider it to be inequitable.

Sir C. P. Ramaswami Aiyar.

1820. I see in paragraph 11 (B) of the Rajah of Khallikote's Memorandum (Memorandum 24): "Some form of indirect election should be insisted upon

in the case of Indian States representatives." What exactly is contemplated by that statement?—(The Rajah of *Khallikote*.) I think I have substantiated that in paragraph 2 of my own summary where I have said that "Representatives of Indian States"—

1821. You are aware that the Indian States have throughout stated that the form of election or nomination should be in their hands?—Yes.

1822. You are aware that whereas there are a certain number of States with representative institutions there are some in which such institutions have not yet come into existence?—Yes, I dare say.

1823. In the latter class of cases how would you solve the problem?—I suggest that the rulers should nominate a panel of a few candidates whom they would like to be the representatives in the Federal Assembly, and out of the panel that the rulers select one should be elected by their own people.

1824. You mean they should elect one of themselves?—I suggest the rulers of States should select a panel of four or five persons whom they would like to be elected to the Federal Assembly, and out of that an election may be held among their own people.

1825. The ruler is to select a panel of four or five?—It depends on the number.

1826. Let us say a panel of 10?—Yes.

1827. The election should be among the 10, by the 10, of one amongst themselves?—For the number of seats that are allotted.

1828. Supposing there is only one seat for a State?—Yes.

1829. The ruler is to select 10 people and the electorate are those 10 people, who would elect only one of themselves?—No; I mean the general public of the State.

1830. How is the general public of the State to be summoned?—Some method may be devised as is done in British India.

1831. Therefore you will not have any representation of an Indian State unless Councils, or some kind of representative body, are set up in the State analogous to those in British India?—Some such form of election as is done in British India.

1832. Therefore, unless every Indian State immediately starts some form of representative institution, you would not have those States represented in the Legislature? Is that what your point of

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view is?—All that I am driving at is that the people of the States should have some kind of representative capacity in the Indian Assembly.

1833. Assuming that the Indian States have no representative institutions at the present moment, would you, or would you not say that those States should be represented in the Federation?—They can be represented, but, in my own view, and the view of the Association I represent, it will not be satisfactory.

1834. Supposing it is not possible at this moment to get those representative institutions into existence before the commencement of the Federation, would you go on as suggested in the White Paper, or would you make it a condition precedent that those representative institutions should come into being?—I would go on having this is an object to be fulfilled as soon as possible.

1835. In paragraph 11 (c) you say: "Indian States representatives shall have no voice or vote in subjects affecting only British India or in the no-confidence motions about British India subjects." Supposing this no-confidence motion jeopardises the position of the Ministry, what would your opinion be?—I suggest that in matters affecting British India, as well as Indian India, such as railways, posts and telegrams, the Indian States should have as large a voice as the British States have, but in other matters which are purely personal each State may be left to itself.

1836. Assuming that in a subject purely appertaining to British India a vote of no-confidence is moved which may jeopardise the existence of the Ministry as a whole, what would your opinion be?—Against whom?

1837. Against the Ministry. Supposing on a British Indian subject there is a vote of want of confidence which will involve the resignation or the existence of the Ministry, what would your opinion be?—If it is a purely British Indian subject I submit that the Princes need not interfere.

Mr. Y. Thombare.

1838. You represent certain public bodies of Orissa?—Yes.

1839. That means only from British India, not from any of the States?—No, only British India.

Lord Eustace Percy.

1840. Is the re-enactment in the constitution of the Permanent Settlement

which you are claiming to include the Cranbrook extension of the Permanent Settlement excluding the taxation of mineral rights?—(The Maharajahdhiraja Bahadur of Burdwan.) I think so.

Sir Reginald Craddock.

1841. I would like to put one or two questions to the Maharajahdhiraja Bahadur of Burdwan. Maharajah Sahib, we have heard some questions put by the delegates as to the opinions of the masses on the White Paper. What proportion of the masses do you think are capable of understanding either the White Paper or its implications?—I am afraid I could not give you the proportion. Since the District Boards have had Non-Official Chairmen, as they have had in many of the provinces, the rural population take far more interest in the things going on round them than they did in the days when the District Officer used to be the Chairman of the District Board.

1842. Have you suffered from this agitation in your Zamindary?—Yes, we have all suffered from this "No rent campaign" that has been carried on in part of Bengal, but especially in the districts of Hoogli and Midnapur.

1843. I understand in Agra also the Zamindars suffer?—Yes.

1844. What do you think was the object of the Congress in attacking your tenants, especially where there was a Permanent Settlement? You were really greater sufferers by it than the Government?—True, but I think the object of it was to upset the settled form of Government. Consequently the minions of Congress who went round wanted to foment trouble in every sphere of life.

1845. When you said you were quite prepared to see Law and Order transferred, you will still be subject to agitations of that kind, will you not?—Yes. What would the difference be, if the portfolio is under a different department? If things like Land Revenue, Forests and Irrigation (things that are so important to Zamindars), are going to be transferred, they can take a gamble on Law and Order as well.

1846. I gather you said you do not want the Executive interfering?—I do not know what is meant by executive interference. I take it every head of the province will have to judge as to when he has to interfere, whether it be in the domain of Law and Order or any other.

1847. I am speaking about the Executive Officers, the Police and the Indian

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Civil Service. Would you like them to be continued in order to get a strong executive, or do you want those two security Services abolished?—I do not want them abolished. The only thing is that Indianisation, as it goes on under the Lee Commission Report, will bring in far more sense of responsibility on the Indian Officers, and I hope on the Ministers and they will realise that the permanent Services must not be tampered with for political propaganda.

1848. Quite so, but you, being a member of the Executive Council in Bengal, would probably appreciate the difference between the position of an Indian as an Executive Councillor, and the position perhaps of the very same Indian as a Minister responsible to the Legislature?—That is the reason why dyarchy failed; one of the reasons was that the member and the Minister were both Indians, and, because one was appointed by the Crown and the other by the Governor, there was a certain feeling that one man was really superior to the other because one had been appointed by the Crown. I do not think it would make any difference, if you have a Minister in charge of Law and Order, that the whole Department will deteriorate.

1849. He will be responsible to the Legislature, will he not?—Somebody has to be responsible to the Legislature to-day or to-morrow, and I am quite prepared to take the risk.

1850. You are prepared to take the risk?—Yes.

1851. Supposing the anarchist activity continues in Bengal, as it has done hitherto, do not you think the risk will be greater?—I think considering that it is the administrators from this country who are giving us the risks and realise how much responsibility they are putting upon the shoulders of the Governor, you are doing so with your eyes open, and if so, I see no reason why the Governor should not have special powers to meet the situation as it arises.

1852. You would regard the C.I.D., the Secret Service, as being in that category?—I think so. I think the Minister would be in quite a strong position. In fact, in certain things, if the Minister is a strong man, he will go further than an ordinary official can do, but, on the other hand, so far as Bengal is concerned, no doubt so long as this

activity of anarchists continues, the Governor must have special power to use his discretion.

1853. Then as regards the Permanent Settlement, I understand that as regards your statement as landowners, the Permanent Settlement is the chief thing you put forward from Bengal and from Bihar, and also greater representation in the Legislature?—That is right.

1854. In putting that forward, you are nervous lest it is not preserved absolutely in the Constitution, it will be attacked by Indian politicians?—We are nervous, just as much as the Service people are nervous, as to what the future of the Services will be, but I do not think that nervousness is entirely based upon the fact that the Zamindars alone are nervous, because it must be understood that the first things that any new Legislature will attack are the agrarian problems and the Zamindar naturally wants to put his house in order by seeing that his Permanent Settlement is not, what you call interfered with.

1855. If they attacked the agrarian problems, you think it would be in the interests of the tenants, do you?—Yes, tenants, because since 1885 the amendments that have been carried through from time to time have strengthened the position of the tenants, because they have got what you call occupancy rights, and things of that description.

1856. But one of your chief objections to any tampering with the Permanent Settlement is the subinfeudation that has gone on in Bengal?—I think subinfeudation will still go on.

1857. It will be so much more difficult for a Zamindar to have more revenue to pay, because so much of the rental is taken up by the tenure holders and sub-tenure holders?—It is quite true.

1858. And all these have changed hands many times?—Yes.

1859. Consequently, the interests that have grown up are not those of the original Zamindar but of people, many of whom have obtained rights by purchase?—Yes.

1860. On the faith of the Permanent Settlement?—On the payment of the rent fixed under the Patni Law.

1861. Therefore, it is an argument in favour of your case to supplement the validity of the pledge that was given to you?—That is it.

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1862. As regards the tenancy legislation in the United Provinces now, would the representatives say whether the tenancy legislation was, or was not, carried by means of the official vote?—(Nawab-zada *Liaqat Ali Khan*.) If the Zamindars had not wanted to pass the legislation, the officials only by their votes would not have carried it.

1863. Not by their own votes?—They voted.

1864. The Zamindars supported the tenancy legislation?—Exactly.

1865. Would you be surprised to hear that when I asked one of the representatives whether he retained his influence with his tenantry, he said: "It is your fault if I have not, because you have taken away my power to eject my tenants?—That may be so.

1866. I was only suggesting that in tenancy legislation the influence of the Zamindar had been considerably reduced?—It has. A tenant has become more independent—quite true.

1867. In Oudh is it the same?—(Rajah *Sayed Mohammed Mehdi*.) Yes, it is in Oudh, but we still enjoy the confidence of the people.

1868. You had a very bad movement in 1921?—Yes, but it was no fault of ours.

1869. I was not attempting to suggest any attack upon landlords. There were a good many Zamindars who were actually murdered in 1921, were there not?—Yes, and also in 1931.

1870. Do you expect the same protection, if Law and Order is transferred, as you had before?—Well, as far as the power given to the Governor to interfere, when there is a great menace to Law and Order is concerned, he should be able to put it down. After the announcements made by the British Government, the position—even our position, who want to work the reforms successfully—would be made difficult, because the other side will say: "These people have got their own axe to grind, and they want to please the people in power." Provincial autonomy has been withheld from them, so I am not against a Governor possessing certain powers to interfere effectively in cases that arise, but to withhold the provincial autonomy would strengthen the hands of the people who are their enemies; it would rather strengthen the communistic propaganda and would make the position more difficult.

Chairman.] If I might interpolate a word at this stage about business, I had hoped that we might have had at least half an hour on the evidence to be given for the South Indian Liberal Federation to-day. I hesitate to ask the Committee to meet again this afternoon, but I think I shall have to make that request if we cannot get through this morning, because otherwise our programme will be thrown even further out than it has been already disorganised.

Major Cadogan.

1871. I would like to ask the Maharajahdhiraja Bahadur of Burdwan one or two questions. I know he is familiar with the recommendations of the Statutory Commission on the subject of the representation of the landlords in the Legislature?—(The Maharajahdhiraja Bahadur of *Burdwan*.) Yes.

1872. I do not know if he has a copy of Volume II by him?—I have.

1873. On page 77 there is a Table there which seems to reveal the fact that the landholding interest had succeeded in being returned for four times as many seats as were specially reserved for them, and that indicated to the Commission that it seemed hardly necessary to give them special protection, but, in view of the widening of the franchise, we came to the conclusion which, Maharajah Sahib, you will find on the top of page 78 of Volume II. I should like to know what the Maharajah Sahib's objection to our recommendation was; the recommendation was to this effect, that: "if candidates of this class" (that is, of course, the landowning class) "are not found to be returned to a Provincial Council in a proportion as great as that now guaranteed to them, the Governor should have a discretion to add, by nomination, further members of this class, so long as the total of such elected and nominated members taken together does not exceed the proportion of the whole Council now guaranteed to them"?—My main objection always has been to nomination—it was considered a great *Izzat*, as we call it in India, to be nominated by the Governor. Naturally, the landholders want to come in by their own rights.

1874. There is one other question I should like to ask. There is one suggestion which is common, I think, to all these Memoranda, on the subject of the landholders' interest. It is that a

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definite proportion of the seats in the Legislature should be reserved and secured for the landowning interest. That suggestion cannot be said to be in conformity with Western democratic principles; therefore, would it be fair to say that your view is that India is not ready for Western democratic institutions, or that they are not appropriate to India?—I think, even England, is not ready, and England is suffering from the consequences to-day. Certainly, India is not ready for them. Even England is not ready for the full programme of Western democratic institutions. Therefore, India cannot be ready.

Lord Rankeillour.

1875. I want to ask you about what appears to be a difference in the claim with regard to the Permanent Settlement of the British-Indian Association and the All-India Association. The British-Indian Association appears to wish to leave the matter at the discretion and the will of the Provincial Governor to withhold legislation interfering with the Permanent Settlement, but the All-India Association appear to suggest that there should be a clause in the Constitution Act reserving to this Parliament the right of interfering with the Permanent Settlement and not allowing it to any Indian authority whatever. Which would be your view?—I think that the British-Indian Association has also somewhere said that it would prefer being safeguarded, as a fundamental right, under the new Constitution Act. As regards the All-India Association, I may say that, although members of the British-Indian Association, just as much as members of the other Association are probably in their individual capacities members of the All-India Landowners' Association, the British-Indian Association is a separate body. Which is the paragraph, Lord Rankeillour, that mentions about the Permanent Settlement in the All-India Statement?

1876. It is with reference to the more limited suggestions?—Which is the particular sentence?

1877. It is in the paragraph immediately preceding the section headed "Upper Chamber for Bengal." "The Association also beg to suggest that legislation affecting the cardinal principles of the Permanent Settlement should not be undertaken without special sanction of the Governor"?—I think that is the

same thing as the Bihar Association said, that the landlords should be considered as a minority, and as such, they should be protected.

1878. Anyhow, you take the view, by the All-India Association, that there should be a protection in the Constitution Act itself?—That is it.

Marquess of Zetland.

1879. My Lord, I will not ask the Maharajah Sahib the questions I was going to ask him, because time is so limited, but there is just one question I should like to ask him. Would it be correct to say that, in your opinion, in so far as risk attaches to the introduction of these reforms, the risk attaching to grant of provisional autonomy is at least as great as the risk attaching to the grant of some measure of responsibility at the Centre?—I agree.

1880. In fact, possibly, you might suggest that the risk attaching to the grant of provisional autonomy is even greater?—It is greater.

1881. And, that being so, you attach great importance to the establishment of a strong Second Chamber as a revising body?—Exactly.

1882. One of your suggestions is that there should be an introduction of the hereditary principle?—Yes.

1883. Can you tell me whether that suggestion has been discussed amongst the various Associations which are represented here this morning?—Yes, it has been discussed, and I think you will find in the Memorandum of the All-India Landholders' Association that they have supported that idea in one paragraph.

1884. Is it generally supported?—There is general support, but I think the representatives of Oudh and Agra would like that the hereditary principle should be brought into an electoral college, that is to say, they want that these hereditary noblemen should have the right to be on an electoral college by reason of being hereditary noblemen, rather than that they should be put directly in the Upper Chamber; and one of the reasons why I think they have considered this fact is that in Oudh, particularly, there are a larger number of hereditary noblemen than there are in Bengal or Bihar, and they might swamp the Upper Chamber by that. Therefore, they might like to elect from their hereditary title-holders some people on an electoral

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college. That is the view we have discussed informally.

1885. I will not pursue that point further; your answer has given me the information that I wanted. Now it is stated in the Memorandum of the British-Indian Association that the probability is that political parties in the future Bengal Council are likely to be based on class warfare. When I was listening to Mr. Ghuznavi questioning you, I rather got the impression that political parties in Bengal were likely to be at variance on communal issues. What is your opinion on that question?—I think, with the British-Indian Association, it is more communal than class, but there is this danger of class warfare, that there have sprung up in recent years certain associations which are called tenants' associations, which really do not represent the general body of the tenants, but which are political associations who are trying to exploit the tenants, and I think the British-Indian Association apprehend that these bodies might get more interest in the future Legislature. That is the way that I look at the mention of the words "class warfare" there.

1886. And it is, probably, for that reason that you are very anxious to see the Permanent Settlement kept outside the purview of the future Indian Legislature?—Exactly.

1887. You have, no doubt, noticed in this country, that, under a system of democratic government, the landholders are being taxed out of existence?—Yes.

Mr. Morgan Jones.] Where?

Marquess of Zetland.

1888. You are, of course, anxious about anything of that kind in your own country?—Naturally.

1889. But you will, probably, also have noticed that democratic Parliaments find many ingenious ways of taxing landlords, and it seems to me, therefore, that it would be hardly enough if you are to secure your object, if it was merely laid down in the Constitution Act that the Permanent Settlement is not to be touched by the Indian Legislature. You have already said, I think, that a tax upon agricultural income would be a violation of the Permanent Settlement?—Yes.

1890. In this country we have many other duties, such as estate duties and

death duties and succession duties at a time when a man succeeds to property, and so on, and my question, therefore, is this: If you really wish to secure the landholders against taxation of that kind, would you not have to lay it down in the Constitution Act that it should not be lawful for any Indian Legislature to impose any taxation upon a landholder in respect of the income which he derives from land?—They would certainly welcome that, but the point is that we now have to pay certain succession duties and estate duties when succession takes place, and we do not think we considered that as an infringement of the Permanent Settlement; but, on the other hand, of course, what we do object to is that the Legislature should have the power either to upset the Permanent Settlement or make further inroads into it by introducing a tax on agricultural incomes, and so forth.

1891. I see your point. My only doubt was really whether by placing the Permanent Settlement beyond the purview of the Indian Legislature you really would secure the object which you have in view?—The whole point is that the landlords do not mind how it is done, provided the Permanent Settlement is not tampered with.

Marquess of Zetland.] I can assure you I have very strong sympathy with your view.

Mr. A. H. Ghuznavi.

1892. May I point out that in the third paragraph of the British-Indian Association Memorandum it reads: "Thus, under the circumstances, the Permanent Settlement, in the interest of both the rent receivers and the ryots should not be disturbed. And to guard against any such mischievous attempts, the Association submit that the Permanent Settlement should be incorporated in the fundamental rights to be specified in the Constitution Act"?—Thank you. That is what I said.

Marquess of Lothian.

1893: I will ask only one question, Maharajah Sahib. I think you said that a landlord was the natural leader of the rural classes?—I did not use that phrase to-day. I might have used it on several occasions. I think it was a question put to one of my colleagues.

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1894. Do you think, as in this country, that the landowning class, under the new Constitution, will go into politics and take their part in the political life of the community, as they have in this country?—That is what we hope.

1895. Because we received, on the Franchise Committee, a great deal of evidence, on the one hand, from the landlords, in which they put forward the view that their legitimate rights might be threatened by an extreme democratic party; on the other hand, we received a great deal of evidence that the influence exercised by landlords was so great that they would, in practice, dominate the Legislature in future, as the Simon Commission has pointed out

they did in the past?—It is very difficult to say how the first legislative bodies are going to form when the new Constitution comes into operation, but I am sure the landlords, as a body, will realise that unless they come more into prominence in the future, they will be left behind.

Chairman.

1896. Thank you, gentlemen, very much for the manner in which you have given your evidence. Kumarah of Venkatagiri, you have put in the Memorandum on behalf of the South-India Liberal Association Federation to this Committee?—(The Kumarah of Venkatagiri.) Yes; it is as follows:

MEMORANDUM 23 ON BEHALF OF THE SOUTH INDIAN LIBERAL FEDERATION.

The South Indian Liberal Federation, politically known as "The Justice Party," includes among its members all classes of people, Ryots, Agriculturists, Labouring Classes and Landholders. It includes Hindus, Moslems, and Indian Christians. It was started as a social and political organisation working on constitutional lines for the development of full responsible government in India, and for the first few years mainly devoted itself to the politics of the presidency of Madras, though some of its leading members assisted materially in the starting of similar organisations in other provinces. The Association has recognised the need for a larger influence on All-India politics, and to attain this object an All-India Committee consisting of representatives of the organisations of the provinces of Madras, Bombay, and Central Provinces, has been formed.

2. The South Indian Liberal Federation supports in general the proposals contained in the White Paper. It approves the proposal for an All-India Federation with responsible executives both at the centre and in the provinces, with necessary safeguards. It does not, however, consider the inauguration of an All-India Federation as an indispensable pre-requisite for the formation of a responsible government at the centre. While it welcomes the formation of an All-India Federation, the Association suggests, that if for any reason, this becomes impossible, or is so

much delayed as not to be practicable in the near future, the constitution should provide for responsible government at the centre, so far as British India is concerned.

3. While approving the principles of the White Paper, we feel that some of the proposals contained therein require modification.

A. Provinces.

We feel that provincial responsibility is very much whittled down by some of the safeguards and other provisions of the White Paper. The following suggestions are put forward as necessary for making the proposals acceptable:—

(1) The Governor's special responsibility for the prevention of any grave menace to the peace and tranquillity of the province or any part thereof should be more clearly defined.

(2) The Governor is empowered in his discretion, after consultation with his Ministers, to make rules regarding the disposal of Government business. Such a provision may have been justified under the existing constitution where co-ordination between the reserved and transferred halves of the Government had to be secured, but in the new constitution, it ought to be left to the Ministry to frame such rules of business. We would urge the need of recognising the principle of joint responsibility of the cabinet.

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[Continued.]

(3) Paragraph 103 of the proposals empowers the Governor to promulgate ordinances for the discharge of his special responsibilities. Paragraph 92 also enables the Governor, in the discharge of his special responsibilities to enact "Governor's Acts." We feel there is no need for both these powers. We would point out that while the renewal of an ordinance for a second period of six months would be subject to the scrutiny of Parliament, the Governor's Act would be placed permanently on the Statute Book and would not come under the review of Parliament.

Joint Responsibility.

(4) As has already been pointed out, the principle of Joint Responsibility is of primary importance in the task of responsible government. There is no specific reference to this principle in the White Paper.

(5) The Governor has a special responsibility to secure to the members of the Public Services "any rights provided for them by the constitution and safeguard their legitimate interests." It is not clear what is meant by the phrase "legitimate interests." It is too vague, and hence capable of being misinterpreted.

(6) The power of authentication of appropriations in the budget is given in Paragraph 99 and the authentication of the Governor is a sufficient authority for due appropriation of sums. A further power in Paragraph 100 of the proposals, seems very drastic and calculated to destroy all sense of responsibility.

(7) The proposal in Paragraph 126 empowering the Governor-General to issue instructions to the Governors of the provinces as to the manner in which the executive power and authority in that province are to be exercised for the purpose of preventing any grave menace to the peace and tranquillity of India or any part thereof, is expressed in wide terms. It may involve interference not merely in the sphere of law and order, but in the whole area of provincial administration.

Franchise.

(8) (a) Women's Franchise: The provision (Paragraph 3, Appendices

4 and 5) that a woman qualified to be a voter on the qualifications held by her husband, can be enrolled only on a previous application made by her, will cause grave hardship to the less politically minded and to illiterate people. Such electors should be automatically brought on the voters' list without the need of a preliminary application.

(b) In the Bombay Presidency, the vernacular upper primary course should be recognised as an educational qualification for men; otherwise a large portion of the agricultural population will be excluded from the vote. Here also there should be no need for a preliminary application.

Services. Appendix VII.

(9) We recognise the need for a contented service and we agree that their existing rights should be safeguarded. We are willing that provision should be made to secure the salaries, pensions and allowances of persons who are now in service, but we feel that the proposals made in the White Paper go far beyond what is necessary, and derogate from the principle of responsibility both in the provinces and at the centre. We are of opinion that the future recruitment of the services may be made by the Federal and Provincial Governments.

Further, under Section 96 (b) 2 of the present Government of India Act, the Secretary of State can delegate his powers in regard to the making of rules to the Governor-General, Governors and Legislatures. We do not see the need for a proposal like that contained in No. 15 (Appendix VII). Such a power may have been necessary where an officer served under both transferred and reserved halves of the Government; nor do we see the need of proposal No. 16. We feel that the Public Services Commission may be made a tribunal for decision of any such questions.

B. Central.

(1) A Statutory Railway Board is unnecessary, as it would be in conflict with the principle of responsibility of the Minister to the Legislature.

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(2) The function of the Financial Adviser should be purely advisory, and the appointment should be for a limited period. There should be no possibility of his developing into a second Finance Minister to the Governor-General.

Automatic Evolution.

(3) We think it necessary that provisions should be embodied in the Constitution Act for the automatic evolution of full responsible government.

To summarise:—

In order to make the scheme more acceptable, the following modifications are necessary:—

The proposals in the White Paper require to be improved in many matters, especially those relating to safeguards, so that responsible government both in the provinces and at the centre may be a reality.

The powers of the Governor or the Governor-General should be clearly restricted and be made more definite, so as to make the Ministers shoulder responsibility for even unpopular measures, instead of taking shelter under the special powers of the Governor or the Governor-General.

In the event of it not being possible to inaugurate an All-India Federation at an early date, we reiterate our opinion that in order to restore peace and contentment in the country, responsible government should be at once introduced in the provinces and in the centre of British India, as a preliminary to and preparation for the All-India Federation.

A Statutory Railway Board is opposed to the responsibility of the Minister to the Legislature.

While accepting the policy of securing to the men now in service their existing rights, the future recruitment to provincial and federal services may be made by those Governments respectively and a Commission may immediately be appointed to enquire into the terms and conditions of the two security services referred to in the White Paper. The Provincial Government should have the power to recruit specialists' services on short term contracts.

The function of the Financial Adviser proposed in the White Paper should be clearly defined and should be purely advisory.

The Constitution Act should provide for the automatic evolution of full responsible government.

1897-8. Do you wish to say anything at this stage in addition to that Memorandum?—No, I have nothing to add to what has been included in the Memorandum.

Chairman.] It seems to me that you have set down there very clearly and in a comprehensive manner the views of the Federation on which you desire to speak. I shall ask my colleagues whether they propose to put any questions to you upon it.

Begum Shah Nawaz.

1899. May I ask a question on paragraph 8 of Memorandum 23? If the proposal, that the registration of women voters under a special qualification will have to be on a previous application by them, remains as it is at present in the White Paper, this would mean that the proportion of women voters would be considerably reduced? Is not that so?—(The Kumarah of Venkatagiri.) Yes, it would.

1900. You would agree with me that if this paragraph 8 (Appendices 4 and 5), remains as it is at present, in most of those remote villages where it is not possible sometimes for women to have even an everyday letter written, there will be many women who will not apply for registration as voters?—That is exactly the reason which led me to recommend this.

1901. You would also agree, I am sure, that, if this remains, at least one out of three, or one out of four, women will not apply for such registration, and that their proportion will be reduced from one to 17, or one to 18, or one to 20?—I consider it would also be one of the hardships.

Sir A. P. Patro.

1902. You are elected President of the District Board of Bengal?—Yes.

1903. How often have you been elected President of the District Board?—It is my second term.

1904. You are also a member of the All India Committee of the Justice Party?—Yes.

1905. Will you kindly tell me if the Justice Party of the Central Provinces

21^o Junii, 1933.] The Maharajahdhiraja Bahadur of BURDWAN, [Continued.
The Rajah of PARLAKIMEDI, Rajah SAYED MOHAMMED MEHDI, The Rajah of KHALIKOTE,
Nawab-Zada LIAQAT ALI KHAN and The Kumarah of VENKATAGIRI.

and Bombay would accept any scheme reserving law and order?—I am afraid that would cause great dissatisfaction, and they would not accept such a scheme.

*Lieut.-Colonel Sir H. Gidney.

1906. Who is the President of the All India Committee of Justice Party?—The

present All India Committee, in which the Justice Party belonging to Madras Province and the sister organisations in the other two provinces are represented, is presided over by Sir A. P. Patro. The Justice Party claims the proud privilege of having one of its members as the President of the All India Committee.

(The Witnesses are directed to withdraw.)

Ordered, That this Committee be adjourned to to-morrow.
at half-past Ten o'clock.

DIE JOVIS, 22^o JUNII, 1933

Present:

Lord Chancellor.
Marquess of Salisbury.
Marquess of Zetland.
Marquess of Linlithgow.
Marquess of Reading.
Earl of Derby.
Viscount Burnham.
Lord Ker (Marquess of Lothian).
Lord Hardinge of Penshurst.
Lord Snell.
Lord Rankeillour.
Lord Hutchison of Montrose.
Major Attlee.

Mr. Butler.
Major Cadogan.
Mr. Cocks.
Sir Reginald Craddock.
Mr. Davidson.
Mr. Isaac Foot.
Sir Samuel Hoare.
Mr. Morgan Jones.
Sir Joseph Nall.
Lord Eustace Percy.
Miss Pickford.
Sir John Wardlaw-Milne.
Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.
Nawab Sir Liaquat Hayat-Khan.
Sir Akbar Hydari.
Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
Sir P. Pattani.
Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

Sir C. P. Ramaswami Aiyar.
Dr. B. R. Ambedkar.
Sir Hubert Carr.
Mr. A. H. Ghuznavi.
Lt.-Col. Sir H. Gidney.
Sir Hari Singh Gour.
Mr. Rangaswami Iyenger.
Mr. M. R. Jayaker.
Mr. N. M. Joshi.

Begum Shah Nawaz.
Sir A. P. Patro.
Sir Abdur Rahim.
Sir Tej Bahadur Sapru.
Dr. Shafa' at Ahmad Khan.
Sardar Buta Singh.
Sir N. N. Sircar.
Sir Purshotamdas Thakurdas.
Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

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[Continued.]

Mr. SACHCHIDANANDA SINHA is called in and examined as follows:—

Chairman.

1907. Mr. Sinha, you have been good enough to provide us with a Memorandum

which I understand you wish to put in and which is numbered 20?—Yes. It is as follows.

MEMORANDUM 20 BY MR. SACHCHIDANANDA SINHA,
BARRISTER-AT-LAW, M.L.C.

INTRODUCTORY.

In response to the invitation extended to me by the Joint Parliamentary Committee to express my views on the Indian Constitutional Reform proposals, as embodied in the White Paper, I submit this memorandum. In the absence of a questionnaire, it is possible for me to do so only in general terms. Nor is it practicable for me to cover the whole ground traversed in the White Paper—a closely printed book of 119 pages, containing over two hundred paragraphs and many appendices. I have, therefore, attempted to concentrate in this statement mainly on matters relating to provincial administration, in respect of which I could claim to possess personal experience and knowledge, by reason of my long association with Indian public life and political activities (as a non-official representative in the Imperial Legislative Council, and the Indian Legislative Assembly) and also an official, as the Finance and Judicial Member of the Government of Behar and Orissa. Since 1930, I have been again in touch with the working of dyarchy, as an elected member of the Behar and Orissa Legislative Council, and the leader of the Opposition on behalf of the Constitutional Nationalist Party.

THE WHITE PAPER PROPOSALS AND INDIA.

1. The reception accorded by almost all the politically minded classes and communities in India to the proposals embodied in the White Paper is, I dare say, known to the Joint Parliamentary Committee, and I need not, therefore, expatiate upon it. Still, the attitude of the people who have to work the proposed Reforms being of great importance, some reference to it may be permissible. The first legislative body to discuss the White Paper proposals was the Behar and Orissa Legislative Council, and it unanimously adopted (the official members not taking part in the voting) a resolution worded as follows: "The scheme propounded by His Majesty's Government is, on the whole, unsatisfactory, confers but little power on the people of this province, is hedged in by numerous limitations opposed to the

interests of India, indicates sweeping changes in the present and prospective system of judicature in India, and the scheme, as a whole, needs substantial modification." The above resolution was also unanimously passed at a meeting of the working Committee of the United Behar Party—an important political organisation of which the Hon. the Maharajadhiraja of Darbhanga is the President, and which was inaugurated in January last "(a) to secure, as speedily as possible, by constitutional means and methods, the establishment within the Empire of full Dominion Status in India, and (b) to work the next instalment of reforms, provided complete provincial autonomy (in the sense of having in the provinces a system of Government under a constitutional Governor with a ministry responsible to the legislature) and also responsibility in the central Government, subject to safeguards in the interest of India, be conferred, by the same statute." Incidentally, the aims and objects of the United Behar Party bring into prominent relief the trend of public opinion even amongst the conservative elements in the India of to-day, since the majority of the leading members of the said Party belong to the landholding classes.

2. But the White Paper proposals were not regarded disfavouredly in the province of Behar and Orissa only. Resolutions similar to that adopted by the Behar and Orissa Legislative Council were passed by almost all the other provincial legislatures, and also—on the motion of Sir Abdul Rahim—in the Indian Legislative Assembly. The Indian view of the proposals in the White Paper is well summarised in an instructive article, on the subject, in the latest issue (for June) of the "Round Table," from which I may make a few short extracts, as the writers in that famous periodical are justly believed to bring to bear upon the discussion of the subjects they deal with, so far as possible, an impartial mind—free from prejudice and prepossessions:—

"The vast majority of Indian politicians and political organisa-

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[Continued.]

tions of standing have vehemently denounced His Majesty's Government's proposals or portions of them."

"The White Paper scheme was also denounced by the various communal organisations."

"The majority of the Muslim newspapers also expressed disapproval of the scheme, the 'Eastern Times' (of Lahore), for example—which is normally considered almost a pro-Government paper—declaring that 'the reforms outlined are unacceptable to politically minded India, as a whole, and even these will not prove workable unless they are considerably modified in the light of popular opinion as expressed in the press and on the platform'."

"Even the most moderate sections of Indian political opinion were genuinely disappointed with certain portions of the proposals."

"Even responsible European officials were heard to remark that so far as manner and phraseology were concerned, it could scarcely have been more offensive to Indian sentiment if it had been designed expressly for the purpose."

"Disappointment with the form of the document and with portions at least of its substance, was, therefore, genuine."

The opinion expressed above was also, I find, echoed in the course of the debate, on the subject, in the House of Lords, in the observations made by Lord Ponsonby, who referred to this aspect in the following terms: "What occurred to me as I read it (the White Paper) through was that the emphasis was wrong. The emphasis seemed to be all on the safeguards, and not sufficiently on the grant of self-government. We seem to be taking away with one hand whatever we give with the other, and I think that that has been noticed very much by Indian opinion."

3. It is evident from the passages quoted above that the resolutions discussed or adopted in the various Indian Legislatures have made the position of the Indian constitutionalists quite clear. As put by Sir Alfred Watson—late editor of the (Calcutta) "Statesman"—in the course of a letter to a London daily, the "resolutions and speeches of various Indian bodies force home the fact that a body of opinion in India, generally

regarded as moderate, is not satisfied with the White Paper proposals. The scheme of advance in the White Paper falls far short of Indian desires. The difficulty in India will be to secure upholders of (what are regarded) the wholly inadequate concessions to National feeling. We can certainly not better that position by offering less, and uniting the whole of India in a refusal to work the constitution."

4. I could not have put the Indian view better or more expressively than is done by Sir Alfred Watson. Keeping in mind the Indian view of the proposals embodied in the White Paper, I shall now make some suggestions—by no means exhaustive—on some only of them, with especial reference to the system outlined for the provincial administration, of the working of which—under the present constitution—I may claim to possess some knowledge and experience. In making these suggestions—representing the Indian point of view—I am not without hope that they may ultimately be adopted, as we are told in the White Paper that "nor must it be assumed that the present proposals are in all respects so complete and final that a Bill would contain nothing which is not covered by this White Paper."

FEDERATION.

5. The indefiniteness and uncertainty about the inauguration of the Federation should be, so far as possible, removed by a period of one year being fixed for the coming in of the Indian States—power to be reserved to the Crown to extend the time by one year, if the requisite conditions are not fulfilled, and the inauguration to be by Proclamation, which should not be made dependent on the presentation by the two Houses of Parliament of a Joint Address praying for the issue of the Proclamation. Further, if the Reserve Bank cannot be established by 1935, interim financial arrangements should be provided so as not to block the inauguration of the Federation.

6. Following the recommendation of the Statutory Commission, there must also be provision in the constitution for its automatic growth" (that is to say, a special machinery should be provided for the removal of the safeguards and the reservations, within a definite time), and its consequent expansion leading to India's status as a Dominion in the British Commonwealth of Nations—

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[Continued.]

which should be declared in the Preamble to the Bill as the definite goal.

It should be definitely provided that the representatives of the Indian States in the Federal legislature shall not take part in purely British Indian matters, but only in those relating to the affairs of the country as a whole.

Fundamental rights must be laid down in the Statute itself, and not in the Proclamation or any other document.

GENERAL ADMINISTRATION.

7. The power of making ordinances to be vested in the Governor-General should be carefully defined, and no such power should be vested in the Governors.

If the provisions relating to the special Acts to be passed by the Governor-General or the Governor are retained, it should be enacted how they (the Acts) are to be amended or repealed by the legislature.

Neither in the Federal, nor in the provincial legislature, should there be power given to the Upper Chamber to restore a demand which has been rejected by the Lower House.

SECOND CHAMBERS IN PROVINCES.

8. The machinery for the abolition of the Second Chamber in the provinces should be made simpler, and that for the establishment of a Second Chamber (where it is not to exist, at the start), more difficult of inauguration. The suggestion is based on the strength of the popular feeling against the establishment of a Second Chamber in the provincial legislature of Behar and Orissa, in which, when the question was discussed (in January last) the voting was 39 in favour of the proposal for the establishment of a Second Chamber, and 30 against it. But the 39 voters in favour of the proposal included non-official members nominated by the Governor, and also one official; while those against the proposal were all elected representatives.

It cannot be held, therefore, that the province of Behar and Orissa is either, as a whole, or even overwhelmingly in favour of a Second Chamber. It may be added that in the memorandum prepared by the Governor-in-Council (in Behar and Orissa) for the guidance of the Statutory Commission, the proposal for the establishment of a Second Chamber was opposed both on the ground of expediency and economy—their estimate of the annual expenditure to be incurred being a lakh and a half (about

£15,000). A Second Chamber in Behar is desired mainly by the landholders, and would be, in my opinion, a useless and expensive luxury for an admittedly poor province.

FRANCHISE.

9. The provisions made in the report of the Franchise Committee should be given effect to, and, in any case, Women's Franchise should be appreciably increased.

JUDICIARY.

10. The only change in the qualifications of the Chief Justices of the existing High Courts (and the other proposed Courts) should be that hereafter the said offices should be open not only to Barristers, or Scotch Advocates, but also to lawyers of Indian qualification, and it should be distinctly provided that the Chief Justice of the Federal, Supreme, and High Courts should always be one who has practised at the Bar. These offices should not be held—except temporarily as now—by the members of the Indian Civil Service. This for the reason that though many members of the Indian Civil Service have distinguished themselves as administrators and executive officers and done useful, valuable, and excellent work in various spheres of activities other than judicial, they have not (except in a few instances) made their mark as Judges. It should be remembered that members of the Civil Service were made eligible for High Court Judgeships under the statute authorising the establishment of High Courts, over seventy years back, at a time when the Indian lawyers were not so highly qualified and efficient as now. There is, therefore, no justification for the changes proposed in favour of that Service. As regards the future administrative control over the High Courts—in the matter of appointments to the Bench, etc.—it is desirable that power in respect of it should be vested in the Government of India—as it is even now in regard to the High Court at Calcutta—and not in the Provincial Governments.

RAILWAY BOARD.

11. The constitution and the functions of the Railway Board should be left to the Central Legislature, which only should have the power to control its policy and working. I am against the proposal to place it beyond the control of the Central Legislature.

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[Continued.]

THE ARMY.

12. A statutory obligation should be laid on the Governor-General to expedite the Indianisation of the Army within a certain time, which need not be inelastic, and a programme prepared so as to complete the Indianisation within a defined period. It should be provided that the Indian Army should not be sent out of India for any purpose not connected with the defence of the country, except with the consent and approval of the Central Legislature. Further, it is important that the Indian Army should be thrown open to all classes of Indians, subject to their satisfying certain physical tests.

COMMERCIAL SAFEGUARDS.

13. Legislation of a discriminatory character should be challengeable only in the Federal Court. The Governor-General, or the Governor, should not have the power of interference in the determination of this question. It is inexpedient that the head of the executive should be mixed up in any such matter. But the Legislature should be competent to subsidise provincial or national key industries—though not to enact statutes involving discriminatory legislation against the nationals of any country or State (of the British Commonwealth) which does not enforce statutory or administrative discrimination against Indians.

THE ALL-INDIA PUBLIC SERVICES.

14. The powers now reserved to the Secretary of State in respect of the public services should be transferred to the Governor-General, and he should be assisted by a Public Service Commission, the chairman and members of which shall be appointed by him.

While statutory protection should be given to the All-Indian Security Services in respect of their salaries and pensions the recruitment of the services, in the future, should be in the hands of the Governor-General in respect of officers to be under the Government of India, and in that of the Governor-in-Ministry in the provinces—the protection (referred to above) being dependent on whether or not the officer was recruited before 1919, as declared in the Government of India Act.

In respect of officers serving in the provinces, the ultimate aim should be to transfer the right of recruitment to the provinces themselves, as recommended by the Lee Commission, in

paragraphs 14-5 of their Report, some extracts from which I am making below, in view of the great importance of the principle enunciated therein.

"In the transferred field the responsibility for administration rests on Ministers dependent on the confidence of Provincial Legislatures. It has been represented to us that although Ministers have been given full power to prescribe policy, they might be hampered in carrying it out by the limitations to their control over the All-India Services, inasmuch as members of these Services, unlike those of Provincial Services, are appointed by the Secretary of State and cannot be dismissed except by him, whilst their salaries are not subject to the control of the Local Legislatures. Ministers themselves have told us that the All-India officers serving under them have, with negligible exceptions, given most loyal support in carrying out their policies, but the constitutional anomaly remains that the control over the transferred field contemplated by the framers of the Government of India Act has remained incomplete. Our proposals are framed to remedy this particular anomaly."

"We are not convinced that the risk attending the change is sufficient to outweigh the argument for carrying to a logical conclusion the constitutional change effected by the Government of India Act in this field of administration. We are accordingly of opinion that, for the purposes of Local Governments, no further recruitment should be made for the Indian Educational Service, the Indian Agricultural Service, and the Indian Veterinary Service, as at present constituted; for the Indian Forest Service in Bombay and Burma, and (subject to the arrangements set out in paragraph 40 of our Report) for the Roads and Buildings Branch of the Indian Service of Engineers. The personnel required for these branches of administration should in future be recruited and appointed by Local Governments."

It is not at all surprising if, in the light of the above recommendations, the proposals made in the White Paper have given a rude shock to Indian public opinion. The writer of the "Round Table" article, referred to above, records his view that "probably the part of the White Paper which was most strongly resented was that which dealt with the future control of and recruitment to the All-India Services.

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Criticism has been increasingly concentrated upon these provisions, and the speeches of some of the ablest and most respected Indians in the Legislative Assembly have demonstrated that Indian opinion, as a whole, considers the retention of control by the Secretary of State to the degree proposed, in principle, obnoxious and (so far as the White Paper scheme, as a whole, is concerned) logically unnecessary." It is in view of these grounds—and more especially so of the principle accepted and recommended by the Lee Commission, so far back as 1924, and given effect to since—that the proposals made in the White Paper are being taken exception to. In my opinion, therefore, the Lee Commission principle should now be extended to all the Provincial Governments in respect of the recruitment of the public services for all the departments, the administration of which is transferred to the Ministers, who should exercise all powers over them in respect of promotions, transfer, and all other ordinary incidents of service.

In the case of future entrants also an appeal against orders prejudicial to their interest, passed by the Provincial Ministry, may be made appealable to the Governor—as a matter of expediency.

EXCLUDED OR PARTIALLY EXCLUDED AREAS.

15. The proposals made in the White Paper in regard to excluded or partially excluded areas have evoked not only great dissatisfaction, but also roused very grave apprehensions in the minds of large sections of the people in tracts at present administered as "scheduled" areas (under the Schedule Districts Act) or as "backward tracts" under Section 52A (2) of the Government of India Act. I shall confine myself in this note to the proposals as they are likely to affect the province of Behar—assuming that Orissa will be separated before long. Now the Santal Pargannas District (of the Bhagalpur Division of Behar) and the Chota Nagpore Division, as a whole, are treated at present as comparatively less advanced areas in certain administrative matters, but in all other respects—particularly in the matter of their representation and participation in the work of the provincial legislature by their elected members—they are on the same footing as the other parts of Behar. If the proposals made in the White Paper be enacted, and on action being taken thereunder, the said areas

be declared excluded or partially so, the people thereof will suffer very great hardship, labour under serious disabilities, and their administration also will deteriorate by the application of the rules about the prohibitions embodied in Section 109. As a matter of fact these tracts have been agitating for years past for the removal of the disabilities they labour under at present. So far back as February, 1927, a resolution was moved, on the subject, in the Indian Legislative Assembly, by a non-official member, which was adopted. A similar resolution was also adopted last February, in the Behar and Orissa Legislative Council in spite of Government's opposition to its adoption. If it be said that the proposals as to excluded, or partially excluded, areas are conceived in the interest of the backward peoples—like the aboriginal tribes—that contention is not borne out by the proceedings of the public meetings held at Ranchi and elsewhere, under the presidentship of Rai Sahab Dulu Manki—the acknowledged leader of the aboriginals, whom he represented in the Behar and Orissa Legislative Council—some of the resolutions passed at which I extract below, to make clear their position in regard to these proposals, which are being resisted equally strenuously by the non-aboriginal and advanced population inhabiting those tracts—which (in spite of aboriginal population) take the second place, in Behar, in point of literacy. The resolutions passed at the public meetings of the aborigines of the Chota Nagpore Division are as follow:—

(1) That this meeting is strongly of opinion that the proposals embodied in the White Paper are likely to prove highly detrimental to the interest of the aborigines, if accepted in the new constitution.

(2) That this meeting is of opinion that the provisions of paragraph 109 of the White Paper are not only contrary to the letter and spirit of any kind of reform on the line of self-rule, but it contemplates to positively deprive the people even of the rights and privileges enjoyed by them according to the existing constitution, and it is strongly urged that that paragraph be entirely deleted from the White Paper.

(3) That this meeting is of opinion that the aborigines strongly resist the contemplation of the proposal.

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if any, to place the Singbhum district among the excluded areas, or partially excluded areas, and any action along the proposal will compel the entire aboriginal population to protest against any such proposal with the utmost emphasis at their command

As, therefore, the aboriginal and the non-aboriginal elements in the population of these tracts are both united in resisting the proposals as to the exclusion or partial exclusion of such areas, it would be a wise course, in my opinion, to leave things (at any rate in the province of Behar) as they are at present, and not to place their people under the prohibitions laid down in Section 109. The Chota Nagpore Landholders' Association have prepared (and, I believe, submitted) a memorandum on the subject to the Round Table Conference, to which reference may be made in this connection, if necessary.

In view of the dissatisfaction and alarm these proposals have evoked, I submit that they should not be enacted, and that only the limitations now imposed under the Government of India Act be, for the time being, retained. But if some areas needs must be declared excluded, or partially so, then I would suggest that before His Majesty's Order in Council is promulgated, the proposal for either their total or partial exclusion should be placed before the provincial legislature to enable it to express its views thereon. This will enable Government to ascertain definitely the trend of public opinion on the subject, especially of the representatives of the areas proposed to be wholly or partially excluded. This proposal—about the discussion of the matter in the provincial legislature concerned—should be specifically provided for in the Statute, as it is one of very great concern to large sections of His Majesty's Indian subjects.

THE SPECIAL POWERS OF THE GOVERNOR.

16. The proposals made in the White Paper for vesting Governors with what may be called extraordinary powers, in respect of their special responsibilities, have naturally evoked criticism in India. These proposed powers are printed at p. 46 in Section 70, and are seven in number. Of these, three (Clauses e, f, and g) are purely consequential. I have devoted above a separate section to the policy underlying clause (f),

namely, that dealing with the creation of excluded or partially excluded areas. As regards (g)—securing the execution of the orders of the Governor-General—no comment is called for, so long as the relations between the Governor-General and the Governor are to continue as proposed in the White Paper. In regard to (e)—the protection of the rights of any Indian State—this clause is obviously intended to deal with the infringement of rights possessed by Indian States either under their treaties, or in pursuance of their relationship with the Crown.

The other four clauses of Section 70 are, however, not consequential, like the three mentioned above. Clause (d)—the prevention of commercial discrimination bears upon a very important subject. The controversy relating thereto is mainly confined to the procedure to be adopted for obtaining relief by the aggrieved party—namely, whether through the medium of the judiciary, or the head of the provincial executive. On a careful consideration of the matter, I would suggest that in the interest of the administration itself, it would be inexpedient to vest the Governor with any such power, and that any relief in the matter of commercial discrimination should be had by the claimant only in the Courts—the Federal Court or the other higher tribunals. It is clearly undesirable and inexpedient to mix up the head of the executive with any such controversies.

It should also be made clear that any relief in regard to commercial discrimination can be obtainable only by the nationals of such countries of the British Commonwealth of Nations as deal with His Majesty's Indian subjects on the principle of reciprocity, and by those of no other countries or States.

Clause (c)—dealing with the special responsibilities of the Governor in respect of "securing to the members of the public services of any rights provided for them by the Constitution and the safeguarding of their legitimate interests"—seems to me to be too broadly put and should, in my opinion, be more clearly stated. In so far as the object of the clause is to secure protection for the existing services in respect of their salaries, pensions, etc., which may be guaranteed to them by the Constitution—keeping in mind the provision of the Government of India Act, on this subject—there can be no objection to the Governor being vested

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with the power to see to its enforcement. At the same time the character and extent of such rights should be carefully defined and laid down in the Statute. But the expression "legitimate rights"—used in Clauses (c) and (b) in this section—seems to me loosely worded, and is likely to give rise to many administrative difficulties by reason of its indefiniteness. If the expression stands for "the rights provided for them (that is the services) by the Constitution," then it is obviously redundant. If, on the contrary, it means more than that, then its exact significance and scope should be explicitly stated, alike in the interests of the Services themselves, as in that of the smooth working of the provincial administration, and the relations between the Governor and the Ministry or the Legislature.

In Clause (b) the use of the same expression "legitimate rights,"—while open to the same objections as set out above—may lead to even greater consequences, as the effect of the action taken by a Governor under this Clause will have a bearing on the relations of large sections of the public in a province—appreciably larger than that affected by any action under Clause (c) in the matter of the public services. It seems to me, therefore, highly expedient that what might be deemed as the rights of the minorities should be specifically defined in the Constitution. One great advantage of the course suggested above would be that in that case it would be open to the minorities to obtain judicial relief more easily than otherwise, while the Governor may be made liable to appeal in the case of purely administrative matters. In the absence of any such specific statement of the rights of the minorities, it is likely that there may arise, from time to time, serious trouble in the administration due to conflicts between the Ministry and the Legislature on the one hand, and the Governor on the other.

Lastly, Clause (a) vesting the Governor with powers for "the prevention of any grave menace to the peace and tranquillity of the province or any part thereof," seems to me to be much too wide in its scope, and indefinite in justifying any action that may be taken by the Governor under it. I think that the words of the clause in Government of India Act relating to the circumstances in which the Governor-General or a Governor can over-ride the decision of the majority of the Executive Council

(in the interest of peace and tranquillity) are sufficiently comprehensive for attaining the object in view. It is suggested that Clause (a) be, therefore, revised and its object be clearly defined, and limited by the addition, at the end of it, of some such words as "resulting from or likely to result from the activities of one or more persons tending to the commission of crimes of violence."

Having dealt briefly with the proposed executive powers of the Governor, I may now advert, in passing, to the legislative powers to be vested in him, which are not possessed by him at present. It is proposed, I find, to vest him with two legislative powers—that of enacting a "Governor's Act," and that of promulgating ordinances. The procedure proposed for the former is analogous to that for certification (vested in the Governor-General under Sec. 57B). I submit that the proposals for vesting legislative authority in a Governor, as also that for arresting the progress of Bills during their passage in legislature, should not find a place in the scheme of provincial autonomy. Far from conducing to the smooth working of the Constitution, they will lead to friction between the head of the executive and the legislature, disorganise the policy and work of the ministry, and have a highly disruptive influence on the formation of political parties in the provincial legislatures. Nor does there seem to be any valid reason for vesting the Governor with the power of issuing ordinances. So far no difficulty has been experienced for want of any such power in the Governors, and there is no reason why the ordinance-making powers should not continue to be vested in the Governor-General alone. Also, there should be no change, in the language of Section 72 of the Government of India Act, so far as the circumstance justifying the issue of an ordinance is concerned. The exercise of this very extraordinary power should be strictly limited to circumstances constituting a case of grave emergency. Nor should the Governor be authorised to issue an ordinance even at the instance of the Ministry. If a Ministry is not capable of carrying on its administration without getting the Governor to issue ordinances, the sooner it is replaced by another, the better it will be alike for provincial autonomy and efficient administration.

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[Continued.]

THE PROVINCIAL EXECUTIVE.

17. The constitution of the provincial executive should be so framed as to be wholly free from the inherent disabilities of the system of dyarchy—in other words, there should be no reservation in the administration of any department, as is the case now in the major Indian provinces, known in common parlance as “the reserved” and “the transferred” sides of the provincial Government. In this view of the matter the departments of law and order should come under the control of the provincial Ministry, just as much as other departments of the provincial administration. I put forward this suggestion with some confidence after having seen from within the working of the Provincial Administration of Behar and Orissa, for a period of more than five years, and having watched the almost insuperable difficulties which both sides of the administration had to face by reason of the arbitrary and artificial division of Government—which is and must be, in the nature of things, one integral whole, if it is at all to work smoothly and efficiently, and which cannot be, therefore, divided vertically without detriment. I am confirmed in the correctness of my view by reading the remarks of Lord Lytton, made by him in the House of Lords on 4th April last, in the course of his speech on the White Paper proposals. Speaking with his practical experience (as the Governor of Bengal) of the working of dyarchy in that province, he said: “This system of divided responsibility which is a feature of dyarchy in the provincial governments of India (and which, to some extent, it is proposed to introduce into the Government of India) is neither an efficient safeguard of those interests which you desire to preserve, nor a good training for responsible government.” As regards the objection, frequently urged by the opponents of the proposed transfer of law and order to Indian Ministers, I may quote Lord Lytton again from the same speech: “When I say that dyarchy was a failure, I do not mean, as I sometimes hear it stated, that the transferred Departments were badly administered. That was not my experience. I do not mean that Indian Ministers were less competent. In the Province of which I was Governor the same men who served as Ministers were,” said Lord Lytton, “afterwards, in several cases selected by the Governor to be his Executive Councillors. I have

been unable to detect any difference in their administration whether they were acting as Ministers or as Executive Councillors. It was not the administration, it was the Parliamentary responsibility which was at fault. Under this system the relations between the Executive and the Legislature were not harmonious. Ministers were not regarded, as they were intended to be regarded, as representatives of popular opinion. My experience was that the reserved half of Government was disliked, but that it was respected, whereas the transferred half of Government was not only disliked, but it was despised.”

I would endorse, as the result of my own experience of the working of dyarchy in Behar and Orissa, the correctness of the view expressed by Lord Lytton. The principal causes which have led to the provincial Ministries being regarded disfavouredly by the legislatures, and the Indian public at large, have been (a) their failure to evolve ministerial parties by reason of their utter dependence on the Governor's nominated blocks (of officials and non-officials) for support in carrying out their work in the transferred departments, (b) the non-acceptance by the Governors (except perhaps in Madras) of the principle of joint responsibility in the ministry, and dealing with each Minister separately, and so over-ruling him, from time to time, (c) the Governor's generally choosing as his Ministers “safe” men, though without any following, and retaining them in office with aid of the nominated block, and (d) the Governor's sometimes discouraging a Minister from resigning his office, when it was obviously called for by constitutional convention and practice. If, therefore, provincial autonomy is now to be a success, not only should there be no reservation of any department, but the joint responsibility of the Ministry should be specifically and clearly laid down in the Statute, and the Governors should be directed—in their Instruments of Instruction—to encourage and conform to constitutional conventions and practice in their relations with the Ministry. I am fortified in my view, that there should no longer exist a reserved side in the provincial Governments, by the observation made in the House of Lords by the Lord Chairman of this Committee—the Marquess of Linlithgow—in the course of the discussion on this subject,

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when he said: "I do not see myself how you can have self-government (in the provinces), unless you do transfer what is called 'law and order.'" Indeed, provincial autonomy without law and order would, I submit, be a contradiction in terms.

CONCLUDING SUBMISSIONS:

"RESPONSIBILITY."

18. I have touched upon but a few of the important matters dealt with in the White Paper as it is obviously impossible to discuss all of them without making a statement of this character oppressively long. I have made in the earlier part some extracts, from responsible sources, to indicate the nature of the reception which its proposals have obtained in India. I would venture to urge, with great respect, that the Indian view of the proposals in the White Paper is not the result of any inherent prejudice or incompetence to judge of the merits of the constitution proposed in it, for even so great an organ of British public opinion as the "Manchester Guardian" (writing editorially, in its issue of 6th June) is apprehensive "that it might not be easy to rebut an argument that the new Indian constitution can not but fail because the White Paper proposals are too cautious to secure wholehearted Indian co-operation, or to create a genuine sense of responsibility"—being "considerably below the expectations of the most reasonable Indian Moderates." I, therefore, earnestly hope that the scheme will emerge from the Parliamentary Committee in a form which may make it acceptable to the Indian public by appealing particularly to their imagination. In his *Government and Parties in Continental Europe* (vol. i., p. 108) that distinguished American authority, Professor Lowell, after analysing the constitutions of various Continental States, remarks that the result of his analysis shows that "the foundation of government is faith, not reason," and this all-important factor is obviously even more applicable to Eastern than to Western countries. But that is not all. For, "if" (as remarked by the late Viscount Bryce in his monumental work on the American Commonwealth, vol. i., p. 357) "the true value of a political contrivance resides not in its integrity, but its adaptation to the temper and circumstance of the people for whom it is designed," then there can be no hesitation in saying that the proposals for the future constitution

of India should be so framed as will appeal to the "faith," or the imagination, of the vast bulk of the politically-minded classes in that country, who have to work the constitution in a spirit of faith and hope to derive the greatest benefit therefrom. The objection, often urged, against the extension of self-government to Indians on the score of their—so to say—innate "irresponsibility," seems to me to rest on an untenable ground. If certain classes in India are irresponsible, it is absolutely so for want of opportunities to learn responsibility in the affairs of the State. For, as put by the Chairman of the Indian Franchise Committee—the Marquess of Lothian—in the House of Lords "responsibility is the only way of developing political manhood. We criticise the irresponsibility of India. It is a marvel to me when I consider how long irresponsible legislators have been confronted with irremovable Executives that the Legislatures of India are as responsible as they are. If you are going to develop political capacity in India, as in this country or any other country, you will do so only if you put real responsibility on the backs of the Indian people. And it is just as important to develop knowledge and responsibility at the Centre, as it is in the Provinces. If you develop irresponsible Provinces, they will make the working of the Centre impossible." These sentiments, which express the Indian view, are not sentimental, but are supported by administrators of Indian experience. The same point of view was emphasised, in the course of the same debate, by the Marquess of Zetland—a distinguished ex-Governor-General of Bengal, who said: "In India, as in other countries, public men are far more likely to show a sense of responsibility in their actions if you make it possible for them to accept responsibility than if you withhold that responsibility from them," for "great change is brought about in the outlook of man when once you put him in a position of real responsibility, and it is for that reason largely that I have gradually—not easily, but gradually, and none the less with conviction—come to the conclusion that by far your safest course is to grant a measure of responsibility not only in the Provinces but at the Centre." I commend these highly forceful observations in support of my submissions to the Joint Parliamentary Committee, on whose labours would rest

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[Continued.]

the future constitution of India and the welfare of His Majesty's Indian subjects.

1908. You have been for many years an acting and prominent politician in Bihar, and for five years, from 1921 to 1926, you were a member of the Governor's Executive Council in that Province?—Yes.

Chairman.] Your Memorandum seems to me to be, if I may say so, very clear and comprehensive, and I shall await questions from my colleagues and my friends opposite before I put any to you myself.

Viscount Burnham.

1909. I am not quite sure that I understand exactly the purpose of the evidence to which we are going to listen. It is opposed to the White Paper scheme, is it not?—My observations are not opposed to the White Paper scheme. I have tried to make some suggestions to improve the working of the White Paper.

Marquess of Salisbury.] If I may, I will reserve my questions.

Lord Hardinge of Penshurst.

1910. Mr. Sinha, may I ask in the first instance whether you are a relation to my late friend, Lord Sinha?—No, my Lord.

1911. In the third paragraph of your paper you make several quotations from the June number of the "Round Table"?—Yes.

1912. A famous periodical, which you say is "free from prejudice and prepossessions", with which description I entirely agree. I also propose to make certain quotations from that same number of that periodical. In the debate on the White Paper in the Legislative Council of Bihar and Orissa you are stated in the "Round Table" to have criticised His Majesty's Government's scheme, the White Paper, as a "political imposture"?—That was a quotation from Mr. Asquith, the late Lord Oxford, who applied that term to some proposals of His Majesty's Government in relation to the constitution of Ireland some time back.

1913. But this applies to India and not to Ireland. What I wish to know is, is that correct. You did say that; are you still of that opinion?—I never took the responsibility of stating that opinion as my own. I said Lord Oxford used that expression, and many people in my country would apply that term to the proposals made in the White Paper.

1914. Then, practically, you did imply that the White Paper was a "political imposture"?—That is a matter of opinion.

1915. In connection with that, whether it is a "political imposture" or not, Sir Alfred Watson apparently expressed views in a letter to a London Daily; this is quoted by you on the fourth page?—Yes, I follow.

1916. Expressing his views upon the White Paper proposals; and you say he could not have put the Indian view better or more expressively. I am taking all this from the "Round Table". What did the "Statesman", his own paper, say, in its first leading article? It said: "No one can read the White Paper without realising that nothing less than a revolution by Constitutional means is proposed, and that under the Crown, a gigantic transfer of power and responsibility from the Government, the Parliament of Great Britain, to Ministers responsible to Indian Legislatures and to Legislatures responsible to a greatly extended Electorate is involved." The paper added "some of the most epoch making changes occupy only a few lines"?—What is the question your Lordship is putting to me?

1917. I am just quoting this as a reply to your statement that it was a "political imposture". But then you, on the other hand, during the course of the debate on the White Paper in the Bihar and Orissa Council are reported as stated in the "Round Table" to have said: "The system" (that is the system of the White Paper) "would perpetuate British domination and enthroned pure and unadulterated autocracy, rendering the people far more helpless to resist the despotism of the Government than they are at present". Is that correct?—That is my opinion still.

1918. Are those still your views?—If the proposals outlined in the White Paper stand, and are enacted without being substantially modified on the lines proposed by me and other countrymen of mine, I certainly adhere to the view expressed by me in the Bihar and Orissa Council, that our position will be then very much worse than what it, even now, is.

Lord Hutchison of Montrose.

1919. In paragraph 5, under the subject of "Federation", is it not your view that successfully to bring in a Federation, that is a Government at the Centre, it must have financial stability?

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—Certainly financial stability is required for the purpose.

1920. According to the White Paper, that financial stability can be produced by a certain type of bank?—That is the White Paper proposal.

1921. A Reserve Bank?—That is so.

1922. You suggest some other form of financial structure, if the Reserve Bank has not been formed?—My view is that the establishment of a Reserve Bank will take an unreasonably long time and it may be possible for the Government to consider some other means to give financial stability to the country so as to expedite the establishment of a Federation.

1923. Do you think such financial structure as you suggest would give the confidence necessary for a Central Government?—That is difficult to say, but it may be possible to work out other means and expedients to bring about the same result.

1924. You have not worked out any scheme?—I have not done so.

Earl of Derby.

1925. Does the present witness represent any particular body? Are the views put forward his own personal views, or are they the views put forward on behalf of any particular body?—I have received letters and telegrams from India, from Associations and bodies. The Secretary of the Constitutional Nationalist party in the Bihar and Orissa Legislative Council has wired to me to represent the views of that party. I have got the Secretary's letter here. I have also got telegrams from the people of the Chota Nagpur Division in Bihar to represent their views before your Lordships on the question of their excluded areas made in the White Paper.

1926. I asked you whether the views that you put forward in this paper are put forward after consultation and in consultation with bodies, or have they only sent you to give your own personal opinion?—No. Before I left India, I had a consultation with the members of the Constitutional Nationalist Party in the Bihar and Orissa Legislative Council, and they authorised me to represent their views, and they also sent me a letter to that effect.

Viscount Burnham.

1927. I should like to hear that letter from the Bihar and Orissa Legislative Council, if you have it there?—I said the Constitutional Nationalist Party in the

Bihar and Orissa Legislative Council. It is a body of 24 members out of 76 elected members.

Marquess of Salisbury.

1928. Have you got the letter there?—I have.

1929. Is it a long letter?—It is a very short one.

1930. Might we have that letter read out?—Yes. "I have the honour to inform you that you have been authorised by the Constitutional Nationalist Party to appear as a Witness and give evidence before the Joint Parliamentary Committee on the lines of the Resolution passed in the Bihar and Orissa Legislative Council on the White Paper at the instance of our Party. Kindly communicate with the necessary authorities on our behalf."

Mr. Morgan Jones.] On a point of order, is a similar request to be made of all witnesses who appear, that they will produce evidence that they have been invited to give evidence here?

Chairman.] I should greatly hope that we might agree that that was quite unnecessary.

Marquess of Salisbury.] I submit that it must be left to the members of the Committee to put what questions they think proper unless they are out of order. Any attempt to try to suppress evidence is a great mistake.

Mr. Morgan Jones.] On a point of order, I am not asking anyone to suppress evidence; I am asking as to whether it is in order to ask one witness to produce evidence as to who appointed him when similar requests have not been made to other witnesses.

Chairman.] My view is that the question which has been put to the witness is not an improper question, and I am not prepared to stop it.

Earl of Derby.] I am afraid I was the original offender in this matter. I only wanted to know whether these were personal views or whether they were views of other bodies.

Mr. Morgan Jones.] I have no objection to Lord Derby's question.—(Witness.) I do not say that these are my personal views; these are the views of a large number of people in the Bihar and Orissa Legislative Council, and, I may be allowed to add, of the Province of Bihar generally.

Earl of Derby.

1931. I quite understand that, but what I want to know is have you the direct

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authority of any particular body of men to put these views before the Committee?—Yes, and I have read the letter.

Earl Winterton.

1932. The question I should like to ask really arises out of Lord Derby's question. I could not quite hear your answer to my Noble friend's question, you gave it rather fast, and I wanted just to clear it up. I understand you are a member of a political Party in the Bihar and Orissa Legislative Council?—That is so.

1933. And that that Party has asked you to represent its views?—Yes. May I add that, as they say in their letter which I read out to your Lordships just now, that Party moved a Resolution on the White Paper in the Bihar and Orissa Legislative Council, which Resolution was unanimously adopted by the Council, as I state in my Memorandum.

Mr. Cocks.

1934. Mr. Sinha, you said just now that, in your view, the situation under the White Paper, if not modified, would be worse than the present position?—I said so.

1935. Whose position are you referring to, when you say the position? Is it the position of any particular class?—I say if the proposals outlined in the White Paper are enacted, the position of the country as a whole would be, in my opinion, appreciably worse than what it is at present. That is what I said.

1936. In what respect would it be worse?—In many respects, in the control exercised by the Government of India upon the people, in the control exercised by the Provincial Governors in the Provinces; in all these respects the proposals outlined in the White Paper will make the position appreciably worse. That is our view and I am prepared to go into the details, if you so desire.

1937. You think that the power exercised by the Governor-General and the Governors will be greater in the White Paper than at present?—No, it will not be greater. It will be vesting in the Governor-General and the Governors powers which they do not possess at present, and which power can be exercised by them if enacted, in a way which might prove more oppressive to the people than now.

1938. What is your view about the treatment of the Territories inhabited by aboriginal populations?—The excluded areas?

1939. Yes?—Was that your question, may I ask?

1940. Do you object that they are being excluded?—Yes. In that particular matter I have not dealt with the whole of India. That is impossible to do, because conditions differ in various Provinces. I have confined myself only to the areas likely to be excluded in the Province of Bihar and Orissa, the Chota Nagpur division and the Santal Pargannas district of the Bhagalpur division of Bihar about which I have been specially authorised by telegrams from India to represent the case before this Committee.

1941. Have you been authorised by the representatives of the aboriginal populations?—Yes; as far as they are concerned, I have quoted in my Memorandum the Resolutions passed by them in connection with the proposals made in the White Paper; they are to be found under the heading "Excluded or partially excluded Areas," paragraph 15. Three Resolutions I have quoted are of the meetings of the aboriginal population of India presided over by their leader, Rai Sahib Dulu Manki, who was their representative in the Bihar and Orissa Legislative Council, and their view is clearly expressed in them.

1942. You think those meetings were really representative of the views of the aboriginal population?—When their leader presides over these meetings, not at one place only, but at different places in the area concerned, and they adopt these Resolutions, it certainly goes to show that they are not in favour of any areas being excluded, as proposed in the White Paper.

Lord Snell.

1943. My Lord Chairman, Mr. Sinha expressed his opinion that if the proposals of the White Paper were implemented the position in India would be worse than it is now?—That is the view, yes.

1944. What would be the position. Has he reflected upon what would be the position in India if nothing were done on the White Paper proposals?—That is difficult to answer, but I think the view of a large number of people in India is that if nothing is done there would not be much to choose between nothing being done and the White Paper proposals as now being enacted without any change in them.

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Marquess of Reading.

1945. I do not know if anybody understands that answer, but I would appreciate it if the witness would repeat it?—You will appreciate I am speaking in a foreign language, and if I do not make myself clear you will forgive me.

1946. You are very good at it. Will you repeat what you said because we do not quite understand it?—I understood Lord Snell's question to be (I want to be quite sure of that before answering): Supposing His Majesty's Government here took no action whatever and withdrew the White Paper, there are many people in India who would not mind it. They think that perhaps not doing anything in the way of reforms would not matter much as compared with the proposals embodied in the White Paper. I do not know if I have made myself quite clear.

Lord Snell.

1947. Has Mr. Sinha reflected upon the possibility of very considerable unrest in India following such an abdication of the White Paper?—That requires no statement from me; that is obvious. The country is looking forward to substantial reform in the near future, and if it is not done, that there will be great dissatisfaction, and discontent, goes without saying.

1948. That is to say Mr. Sinha agrees that something should be done?—If I may venture to say so, something substantial should be done; not "something to be done," but "something substantial to be done."

Major C. R. Attlee.

1949. I want to ask you a question on the paragraph with regard to the Provincial Executive. You have been a Minister, have you not? Were you a member of the Executive in Bihar?—Yes; I was a member of the Executive Council in Bihar for more than five years, a Minister on the Reserved side, not on the Transferred side.

1950. How far in Bihar at that time were you able to work with a joint responsibility. You stress the point here of joint responsibility?—For Ministers. May I explain. Under the law their responsibility—

1951. I am very well acquainted with what the law is. I am only on the practice. You point out that in Madras they did work more or less as a united

Ministry. Do you say they did not in Bihar?—In no other province, except for a very short period, as I am told it was, in the time of Sir Harcourt Butler in the United Provinces. The Governors have been dealing with the Ministers separately without recognising joint responsibility.

1952. What is your personal experience?—My personal experience is that in Bihar and Orissa since the introduction of the Montagu-Chelmsford reforms, the Governors in Bihar and Orissa have never recognised joint ministerial responsibility, but have dealt with each Minister separately, with the result that whenever they so desired they could overrule them.

1953. You suggest that in future there should be joint responsibility?—Certainly. I regard that as a condition precedent.

1954. And you think Ministerial parties will evolve. There will be a party system?—Yes; if Ministerial responsibility is established.

1955. Do you see any sign of such parties in Bihar developing on other than communal lines?—At the present moment no, for the simple reason that the Minister depends now on the official *bloc*.

1956. I know. Do you think that given a joint responsibility you will get parties on political lines and not communal lines in Bihar?—In Bihar if Ministerial responsibility is established, I think the Minister will be able to establish and evolve political parties.

Mr. Morgan Jones.

1957. Mr. Sinha, did I understand you to say that there is a considerable section of opinion in India that takes the view that there is nothing to choose between the White Paper proposals and the condition of affairs as it would be without the White Paper proposals?—That is my view at present, that there is a large section of people who will take that view.

1958. When you say "a large section" would it be a representative opinion?—Yes. I am talking of representative opinion, of course; I mean amongst the politically minded classes, the people who can think about these questions, of course.

1959. Are you in favour, or are the people whom you represent in favour of what is generally called Dominion self-government for India?—Yes; in my

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Memorandum I have quoted the programme and the aims and object of the party.

1960. If you will give me a simple answer, Yes, it will be quite enough?—Yes.

1961. May I take it that the disappointment with the White Paper arises from the fact that those who criticise it feel that it falls short of Dominion self-government?—Very much so.

1962. And if the White Paper is to be changed you would be desirous that it should be changed in the direction of giving a larger measure of self-government to India?—A very much larger measure.

1963. Is your claim for self-government for India based upon Government declarations in that direction?—Yes, on that, but also on the right of the people to govern themselves provided they are capable of doing so to the extent that they are capable, and their capacity and character—all these taken together.

1964. Is your belief in that principle fortified by the experience that you have had of administration of Transferred subjects in recent years?—Yes, I have seen from inside as a member of the Government on the Reserved side the working of the Transferred Departments, and I think certainly their administration has been far more successful under the Ministers than it used to be in the olden days under the Executive in pre-Reform days.

1965. Would you say that since certain subjects have been transferred public opinion has taken a more lively interest in the subjects that have been transferred than was the case formerly?—Undoubtedly.

Mr. *Morgan Jones*.] That is all I have to ask you. Thank you.

Lieut.-Col. Sir *H. Gidney*.

1966. In paragraph 12 of your Memorandum you refer to The Army?—Yes.

1967. In which you state that it should be thrown open to all classes of Indian subjects subject to their satisfying certain physical tests?—Yes, I have said so.

1968. Are you aware that the officer class of the Indian Army is to-day thrown open to all classes of Indians?—No, I did not know much about Army matters, and I should not like to come forward with proposals about which I do not know much, but all I know is that the Province of Bihar, from which I come, used to

furnish at one time a large number of combatants in the Indian Army, but they have not been recruited now for some years, and I plead for them. I think they are people who will furnish very good soldiers if they are recruited. That is what was at the back of my mind when I put that in.

1969. I was going to ask you whether any rank and file of the Indian Army is recruited from your province to-day?—No; it has been stopped for many years now.

1970. In paragraph 14 of the Memorandum, referring to the All-India Public Services, could you tell me how would the reforms as adumbrated in the White Paper affect the minorities serving in the All-Indian Services?—So far as the Indian Public Services are concerned?

1971. So far as the All-India Services are concerned?—I do not follow the question.

1972. I want to ask you your opinion as to what would be the effect of this advance in reforms on the minorities being employed in the All-India Government Services?—I have not raised the question of minorities at all. The minorities should have proper representation in the Public Services; I am entirely in favour of that. I do not say they should not get representation. I think all minorities should be properly represented, subject, of course, to the condition of the efficiency of public service.

1973. In paragraph 6, talking about fundamental rights, you advocate that they must be laid down in the Statute itself and not in the Proclamation or any other document?—Yes.

1974. Do you mean by that, that in these fundamental rights, the rights of the minorities for employment in the Services should be contained in the Statute?—Yes. Whatever the rights of the minorities, I would have them in the Statute itself and not in any Proclamation of the Governor, because I understand that they are held to be not legally binding.

1975. In the paragraph headed "Franchise", with regard to women's franchise, you say that should be appreciably increased?—Yes, I am in favour of it.

1976. Do you accept the recommendation of the Lothian Committee on that?—Yes, that is what I meant exactly.

1977. In your note on Federation you suggest one year for the Indian States to

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come into the Federation or an additional one year to enable them to make up their minds?—Yes.

1978. So, if the Indian States do not come into the Federation within the two years, what would be your suggestion of the responsibility in the Centre, in the interim period, until the States federate?—I see great difficulties. As I understand the White Paper scheme, the provisions which are characterised as transitional proposals or powers will continue in operation, and I think if they are allowed to operate for a long time the situation in the country, so far as the Government of India is concerned, would be appreciably worse than it is now, and I am therefore anxious to limit the period to two years.

1979. Should the Princes not federate within two years what would then be your suggestion for responsibility in the Centre?—The matter might be reconsidered in the light of the situation at the time.

Sir Hubert Carr.

1980. I would like you to give me a little information about the Second Chamber. In the paragraph headed "Second Chamber in Provinces," you sum up your opinion that a Second Chamber in Behar would be "a useless and expensive luxury." If you could give some reasons, perhaps it would be helpful. The arguments in favour of the Second Chamber which were summarised in the Indian Franchise Report are those which you express an opinion on. One of them was in paragraph 383: "It is important at a time when the suffrage is being very largely extended in a country where the vast majority of the electors will be illiterate to create a body which will be representative of experience and expert knowledge to act as a stabilising factor by being empowered, not to compete for power with the Lower House, but to revise or delay legislation for a short period." In Behar, with a population of 37 millions, the voters are to be increased from 418,000 to 3½ millions, and the qualification is very low. The voters will be very largely illiterate. At present there are 103 seats to be occupied, whereas in future there will be 152 in Behar and 60 in Orissa, practically more than double the number of representatives. In such a case as that would you say that there is no need for a delaying and revising body such as is indicated by an

Upper House?—The reason for the establishment of a Second Chamber in Behar, as given in the White Paper, and also in the speech of the Lord Chancellor in the House of Lords, is that the Province of Behar wants a Second Chamber. I was trying to explain the position in regard to that, that really it is not the Province of Behar which wants a Second Chamber, but a certain section of the people, mainly the landlords; and I pointed out that even the Behar Government, when the Statutory Commission visited Patna, in the Memorandum which they prepared for the Statutory Commission, were opposed to it. They have changed their minds now, very probably.

1981. I was not questioning whether it would be popular or not. I was trying to get your idea as to whether it would fulfil some of the purposes which I just quoted from the Indian Franchise Report, and whether it would not be useful, with a large House based on an illiterate electorate, to have a stabilising factor such as a Second Chamber?—I do not know if you know that the proposals outlined for the Second Chamber in Behar have met with very strong opposition from the Zamindars themselves. They took a deputation to the Governor and made representations, and I think their representations to this Committee are here, which you can look at, in which they take very strong exception to the constitution of the proposed Second Chamber. Even they are not satisfied. Therefore, considering everything, I suggested that the expenditure involved, a lakh and a half, is beyond the means of Behar for what I consider to be this useless luxury.

1982. You were speaking just now in a deprecatory way of the powers given to the Governor?—Proposed to be conferred on the Governor.

1983. Do you not think, suitably formed, a Second Chamber would be a very useful factor in rendering those powers unnecessary of operation?—I am not quite sure whether they will prevent the Governor from exercising his powers. If I felt quite sure about that I might be prepared to consider my position.

1984. You mentioned just now the expense and I notice in your Memorandum you estimate a lakh and a half as the cost of the Upper Chamber. If some of the advantages are to be gained which I have suggested, could not that expenditure be very largely balanced by having

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your Lower House smaller, instead of more than doubling it, as it is proposed to do at the present time?—No, I am not in favour of the Lower House being reduced in numbers.

Dr. B. R. Ambedkar.

1985. I want to ask you, first of all, a question about the special powers of the Governor, especially his power to take action in order to prevent a menace to peace and tranquillity. I want to draw your attention, if I may, to the position as it exists to-day with regard to the administration of the transferred subjects. Have you got the Government of India Act before you?—Yes.

1986. Will you just refer to Section 52 of the Government of India Act?—Yes.

1987. I do not want to take you to Section 45 of the Government of India Act which provides for the classification of subjects transferred and reserved; that we know. I am dealing only with the question of control. If you take Section 52, sub-section (1) says: "The Governor of a Governor's Province may, by notification, appoint Ministers, not being members of his Executive Council", and so on?—Yes.

1988. Then we come to sub-section (3)—this is what it says: "In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice"?—Yes.

1989. What I call your attention to is that this section does not say that wherever the Governor thinks there is a menace to peace and tranquillity, he shall overrule his Ministers?—No.

1990. Specific provision is not made in this section as it is now made in the White Paper?—No, that is so.

1991. If you refer to the Instrument of Instructions, which is issued to the Governor, in which he is told in what cases he should not act upon the advice of the Ministers?—I have not got a copy here.

1992. You will find it in that book at page 269?—Yes, I have it.

1993. On page 270, clause VI of the Instrument of Instructions says: "In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people of the

Presidency as expressed by their representatives therein." In other words, the Governor, under the present circumstances, can overrule the Minister and not accept his advice in the matter of transferred Departments, only if he came to the conclusion that the Minister had not the support of the Legislature or of the constituencies?—That is so, I suppose.

1994. What I want to say is this, if I may, for the sake of clarity: Under the existing system of administering transferred Departments, the Governor has not got his special veto which is now given under clause (a) of the powers given to the Governor, namely, to maintain peace and tranquillity?—That is so.

1995. To-day, having regard to the fact that the Department of Law and Order is a reserved subject, he, of course, can take any action that he likes within the scope of that Department?—Yes.

1996. But he cannot come to the Minister and say: "I will not accept your advice, although you are dealing with a transferred Department, because the action that you propose to take will be a menace to peace and tranquillity"?—No.

1997. So, consequently, this is a retrograde provision?—Undoubtedly.

1998. To-day the Minister can take any action he likes in his Department. Under the new scheme of the White Paper (assuming the White Paper goes through) every Department would be a transferred Department. The veto of the Governor arising out of his special power to maintain peace and tranquillity instead of being confined to one particular Department of Law and Order will spread itself over to every Department?—Yes.

1999. It would be, to that extent, a diminution of responsibility in every Department, although every Department would be a transferred Department?—That is so.

Dr. Ambedkar.] Now let me come to the question of the Services. You will see the Appendix 7 which enumerates them—

Viscount Burnham.] On a point of order, my Lord Chairman, we have had this explanation of what are the present powers of the Governors of Provinces, but we are not told where it is laid down.

Dr. Ambedkar.] I drew attention to Section 52 (1) of the Government of India Act.

Viscount Burnham.] On whose authority is this explanation given?

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[Continued.]

Dr. Ambedkar.]—I do not know.
Viscount Burnham.] Who authorises the explanation which you have given?

Dr. Ambedkar.

2000. That is my own interpretation of the Act and the Witness agrees with it. I refer to Section 52, and the Instrument of Instructions, which is part of the Act. Now coming to the question of the Services, Appendix 7, you will see there in that Appendix—I do not want to refer specifically to each point, that provision is made that the Secretary of State in Council shall retain all powers regarding classification and the regulation of the conditions of service?—Yes.

2001. Mr. V. I refer you now to Section 96 B, sub-section (2). This is how it reads: "The Secretary of State in Council may make rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances and discipline and conduct." And further "Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local Governments, or authorise the Indian Legislature or local Legislatures to make laws regulating the Public Services"?—Yes.

2002. So, under the Government of India Act as enacted, the intention was to transfer this power of making rules with regard to the emoluments and the conditions of service, to the Governor-General or to the Indian Legislatures?—Or the Local Governments.

2003. And the intention was that the conditions of service should be such as to be assimilated to the new system of government that was to be introduced in India?—That seems to be the implication.

2004. If, for instance, these provisions as they are laid down in Appendix 7 were enacted, the whole tendency which emanated from the Government of India Act of developing control over the Indian authorities would be arrested?—That is why I say in my Memorandum that the proposals relating to the Public Services have not given satisfaction to India.

2005. It is quite necessary, and it is in fact provided in the Government of India Act itself, that these powers are being exercised by the Secretary of State in Council, and may be delegated, under proper conditions, to the Indian Legislature?—Yes.

2006. If the White Paper proposals were enacted, this process of devolution would be arrested?—Clearly.

2007. Take, again, certain specific items in the Services' rights. Take, for instance, 14 on page 121, "Personal concurrence of the Governor, formal censure," and so on; 15: "Personal concurrence of the Governor with regard to posting; 16: Right of complaint to the Governor against any order of an official superior," and so on. Now these rights, as conditions of service, are really not final; they are in their evolutionary stage. These were enacted because nobody was certain how the Minister would react?—What is your question, Dr. Ambedkar?

2008. My question is this: Some of these Service conditions which are laid down, and to which I have drawn your attention, were enacted as an experimental thing in order to find out what exactly would be the ultimate result of the experiment between a popular Minister and the Civil Service?—Yes.

2009. They were not intended to be final?—No, I suppose not.

2010. And if they were enacted as they are, I again say that the process of assimilating the conditions of the Civil Service to the responsible system of Government would be arrested?—Yes.

2011. I just want to ask you one question about this central responsibility. You said in reply to a question by Sir Henry Gidney, that you were very keen on a date being fixed for the inauguration of the Federation?—Yes.

2012. On the other hand, as you are aware, it is urged that it is impossible to fix any specific date, because there are so many elements of uncertainty, namely, that the Princes may not come in, within the time prescribed, and you know also that in order to avoid that there are certain transitory provisions enacted in the White Paper. Now what I want to suggest is this, because I am anxious to get your opinion upon this point: Suppose the Federation were started immediately with a nominated bloc in the Central Legislature, partly of officials and partly of non-officials, pending the admission or the entry of the requisite number of Princes, so that the Federation may not keep on hanging until the requisite number of Princes come, would you have any objection to that sort of system?—I can express no opinion offhand, but the matter may be considered and examined. It is worth examining.

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2013. I want to get this point clear. I suppose you do not agree with the position that Federation of British-India with the Indian Princes is a condition precedent to responsibility at the Centre?—I do not desire to express an opinion, because I understand the proposals outlined in the White Paper were agreed to at the Round Table Conference.

2014. What I am putting is this: Speaking apart from the White Paper, you do not say, or you do not agree, that British-India can have Central responsibility only on one condition, that there shall be Federation?—No, not apart from the White Paper.

Mr. Butler.] Before we proceed further, my Lord Chairman, may I say that we cannot accept the interpretations given in these questions and answers of the present Government of India Act, in particular the limitations which have been assumed under the Instructions, Clause VI and section 52 of the present Government of India Act.

Mr. Joshi.

2015. May I ask one question? Mr. Sinha, you are against any excluded territories, or excluded areas, being reserved solely within the power of the Governors?—In Bihar and Orissa. I am not familiar with the conditions of other parts of the country.

2016. In Bihar and Orissa there is a large population of aboriginal and hill tribes?—Yes.

2017. These tribes are given special representation in the local Legislative Councils. Under the proposals in the White Paper they are given seven seats; you will find that on page 93 of the White Paper?—My copy is the Indian edition. Will you give me the paragraph?

2018. It is in Appendix 3 of the White Paper. They are given seven seats, in Bihar and Orissa; you need not refer to that; but if you look at page 90, Appendix II, the Constitution of the Lower Chamber at the Centre, there is no provision made for the special representation of the aboriginal and hill tribes in the Central Legislature. Now the question which I want to ask you is this: Will you agree with me that these aboriginal and hill tribes are at least as backward as the other classes which are given special representation, such as the Depressed Classes?—Yes; I think they are quite as backward in some respects. It is difficult to answer a question like that.

2019. But they are backward?—They are a backward people, on the whole.

2020. Now my question is this: If special provision is made for the special representation of classes like the Depressed Classes, will you agree with me that there is a good justification for a special provision for the representation of the aboriginal and hill tribes in the Lower Chamber in the Central Legislature, because there is already provision made in the Provincial Legislatures, in the White Paper?—When representation is being given to all classes and communities on the score of caste, race, custom and creed, I do not see why the poor aboriginals should not have some representation.

2021. If other classes are given representation, you agree with me that these classes deserve at least as much?—They have a fair claim to some representation in the Central Legislature.

Sir A. P. Patro.

2022. Just one question, Mr. Sinha. Will you kindly say if you are aware that there are other Provinces than Bihar who generally accept the White Paper proposals, subject to certain modifications?—Yes, I know. I did not say that Bihar does not accept. I started by saying that we need substantial modifications or alterations before we can accept.

2023. The second question is with regard to the representation of the backward aboriginal tribes, you agree they should be represented by their own class of people and not by outsiders?—Yes. If representation is given to them, they should be represented by their own class and not by non-aboriginals.

Mr. Joshi.

2024. Would you put a restriction upon their choice?—There is a restriction on the choice of every community in India.

Sir N. N. Sircar.

2025. In answer to Dr. Ambedkar, you said, referring to the Governor's powers in connection with peace and tranquillity, that, under the White Paper, the Governor will have far larger powers than he has at present?—Yes.

2026. At the present moment, whether there is grave menace to these or light menace to these, or no menace whatsoever, the Governor can interfere in the Department of Law and Order?—Yes.

2027. Therefore, with regard to the Department of Law and Order, the present position of the powers of the

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Governor is that they are far more extensive than any which he can have under the White Paper?—No. I do not agree with you there, for this reason, that I think, that, under the White Paper, the Governor's powers are practically unlimited.

2028. I am asking about the Department of Law and Order, not to mix up all the Departments together. With reference to the Department of Law and Order, the Police and so on, that is a reserved subject, and the Governor, at the present moment, has very much larger powers than he can possibly have under the White Paper?—In the Reserved Departments, the Governor's powers are not unlimited at present, because the powers are not vested in the Governor alone; the powers are vested in the Governor in Council, and he has to take with him his Executive Council or a majority of them, whereas, in the White Paper scheme, the powers are vested in the Governor alone. That makes, to my mind, all the appreciable difference.

2029. Have you noticed this difference? Under the heading of "The special powers of the Governor", in the last paragraph but one of your Memorandum, you suggest that the words "the prevention of any grave menace to the peace and tranquillity" are too wide and vague, and you would like the words of the Government of India Act introduced there?—Yes.

2030. Have you appreciated that the words of the Government of India Act are much wider, those words being "the safety tranquillity or interests of British India or any part thereof"?—Yes, it is so put.

2031. May I suggest to you, Mr. Sinha, that what you are indicating will cut down those words?—I do not know that it will.

2032. I do not want to press you if you do not want to answer?—I want to answer the question if I can answer.

2033. The words you complain of as being too wide and vague are "grave menace to peace and tranquillity." The words in the Act, Section 41, are "safety, tranquillity or interests of British India or any part thereof." Is not that much wider than the words you are complaining of?—No, I do not think so, my reason being that now that there will be a new system of Government installed (the Ministry) the Councils might like to bring in legislation relating to social reform or economic reform; and if the Governor takes the view that the

introduction of a Bill relating to social or economic reform is likely to cause grave menace he may be, in that case, in a position to stop the legislation. Therefore, I plead that the words should be clear and well defined and also limited by certain additional clauses being added.

2034. I will not argue with you. I point out that you are complaining of the words "peace and tranquillity," whereas the present section uses the words "safety, tranquillity, or interests of British India or any part of British India." Do you still adhere to your opinion?—I adhere to my opinion, in spite of having that pointed out.

2035. May I know what is your scheme in the last but one paragraph under the heading of "The Special Powers of the Governor"? You realise that under your scheme the Governor can in certain circumstances in connection with crimes, as defined by you, act irrespective of the Ministry. That is what you are suggesting here?—Which paragraph is that?

2036. The last but one in paragraph 16; you will cut down the words and limit it to "crimes of violence" and so on?—Yes.

2037. But in that limited sphere the Governor would be in a position to act irrespective of the desires of the Ministry; is not that so?—Yes.

2038. Will you take it by stages? If the Governor has in certain cases to act against the wishes of the Ministry, how will he decide whether a plot is hatched in the country or not? Who will give him information? How is the Governor to keep himself informed of what secret conspiracies and movements of violence are going on in the Province of Behar. What is your scheme?—A scheme to enable the Governor to know whether a conspiracy is going on?

2039. What is the machinery you are providing for him?—I suppose he will judge for himself. That is what I understand. I am sorry if I do not understand you and if I am not giving a correct answer, because I do not understand your question.

2040. The Governor, as I understood you to say, within those restricted number of crimes as defined by you, may have to act irrespective of the wishes of the Minister. You have considered it so far. That is your scheme. How would he judge that a situation had arisen or is likely to arise when it would be necessary for him to exercise his powers?—

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When the file dealing with the particular matter will be sent to the Governor by the Minister in charge of the Department dealing with conspiracies and on reading the papers the Governor can judge whether he should take action or not, provided he is satisfied that the acts of one or more persons tend to the commission of crimes of violence.

2041. That is to say, when he has got to act against the wishes of the Ministry he will still have to get information through the Ministry?—That is the procedure. The files go to him in that way. I do not know of any other course.

Mr. M. R. Jayaker.

2042. How long have you been in public life, Mr. Sinha?—Forty years.

2043. You are also the Editor of a journal called "The Hindustan Review." How many years has that journal been in existence?—Thirty-four years.

2044. It is your duty, as a public man and as editor of that journal, to put yourself in touch with political public opinion in India?—Yes.

2045. Can you accurately state that the views you have propounded in this paper can be taken to be the views of progressive political opinion in India?—That is so.

2046. You said a resolution was passed by the Bihar and Orissa Council?—Yes; I have quoted that.

2047. Have you any objection to sending a copy to the Chairman, if he desires to have it?—Not the original. I have not got it. It will be found in the proceedings of the Bihar and Orissa Legislative Council, which will be in the India Office, I suppose.

2048. Can you say that the views you have elaborated in your statement are in accord with the view expressed by the several Legislative Councils, or, rather, the bulk of the Legislative Councils, in British India?—That is what I say in my Memorandum.

2049. You say that, so far as the feeling is known to you, the progressive opinion in India is that India has not much to choose between the withdrawal of the White Paper and the enactment of the White Paper?—That is so.

2050. What you mean to say is (correct me if I am wrong in interpreting what I think you mean to say) that the feeling, if the White Paper were withdrawn, is that discontent in India in a few years

would become so great that England would be compelled to give a more substantial measure of reform than is contained in the White Paper. Is that what you mean?—That is so.

2051. You said that the White Paper is retrograde in some particulars?—In many particulars.

2052. Is it not a fact that in the White Paper proposals the Governor-in-Council practically disappears and his place is taken by the Governor acting on his own discretion and the Governor-General acting on his own discretion?—Yes, at the present moment the Governor-in-Council has limited powers because the Governor must take with him the majority of his Council. If he cannot, he cannot take any action.

2053. Speaking generally, the Governor-in-Council and the Governor-General-in-Council disappear in many important places and their place is taken by the Governor acting on his own responsibility and the Governor-General acting on his own responsibility?—Yes, to a large extent.

Sir Samuel Hoare.

2054. May I just correct a statement of fact? As I am informed, the Governor can override his Council. It is not correct to say that the Governor is controlled by his Council; he can override his Council?—I never said the Council controlled the Governor. What I say is that the Governor-in-Council means that the order passed must be on the joint responsibility of the Governor and the Executive Council as a whole, or the Governor and the majority of the Executive Council, with the result that, excepting one condition of peace and tranquillity, in all normal practical work the Executive Councillors, if they agree to a particular matter, may even overrule the Governor, as happened in my own experience more than once.

Mr. M. R. Jayaker.

2055. Without going into the vexed question, whether the Governor or Governor-General can overrule his Council, what you mean to say is that the phrase "Governor-in-Council and Governor-General-in-Council" means that the Governor-in-Council or the Governor-General-in-Council has to make every attempt to take his Councillors with him before acting on his own responsibility?—I say it not only means that, but in practice it is so.

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2056. When the Governor under the White Paper acts on his own responsibility there is no obligation on him to take his Councillors with him?—That is so.

2057. With regard to the Public Services, especially Appendix VII, of the proposals contained in the White Paper, would your opinion be that the proposals contained in the White Paper go beyond the present existing conditions relating to the Public Services?—I am not following you.

2058. I am asking you generally. Taking the proposals contained in the White Paper with regard to the rights and the status of Public Services, in conjunction with Appendix VII where the existing and accruing rights are outlined, would you be in opposition to state that the rights of the Services as outlined in the White Paper go beyond their present rights?—I cannot say whether they go beyond their present rights. It depends on how it is put. I have not examined the matter very closely.

2059. You expressed the opinion that would be felt in India if the White Paper was not passed: will you tell us as far as you can what will be the political sentiment in India amongst the respective sections if the White Paper were whittled down?—I have practically answered that already in paragraph 3 of my Memorandum by quoting the statement of Sir Alfred Watson.

2060. Would you state it in your own clear terms?—I think it will deepen discontent, lead to very grave dissatisfaction, and ultimately result in unrest of a very serious type.

Sir Tej Bahadur Sapru.

2061. Before you became a member of the Governor's Executive Council you were in the Legislative Assembly?—Yes, Deputy President.

2062. And you were Deputy President of the Legislative Assembly?—The first elected Deputy President.

2063. Before that you had been connected with the Imperial Council from the time of Lord Minto, or Lord Hardinge?—Lord Minto.

2064. So you have had considerable experience of the working of the Legislature at the centre and in the Province?—Yes.

2065. When you went into the Executive Council of Bihar you had to face the non-co-operation movement?—It was just then starting, in 1921.

2066. And certain very strong steps had to be taken by every Local Government at that time?—Yes; they were taken.

2067. Will you tell us now whether the Ministers who were appointed at that time were taken into consultation by the Governor and yourself, and what was their attitude?—Did they offer any resistance to the strong steps that were taken by the Reserved half of the Government?—No; none whatever. They co-operated most loyally with the Reserved side.

2068. What was the attitude of the Legislature?—They supported the Government.

2069. On all critical occasions when the Bihar Government has had to take this strong action what has generally been the attitude of the non-official elected members towards the maintenance of Law and Order?—They have always upheld the Government.

2070. They have always supported the Government?—They have always supported the Government.

2071. Their support has involved them in criticism in the Public Press at times?—Yes, at times they have incurred great obloquy because of that.

2072. Will you tell me whether within recent months the Bihar Government has had to face any strong popular agitation in connection with the civil disobedience movement?—Yes; in the last two years.

2073. Very strong action has had to be taken by the Bihar Government?—Yes, the Government have placed additional police at various centres where disturbances took place, and have taken other drastic measures to put down civil disobedience.

2074. Did any Minister resign in consequence of that?—Not only did he not resign, but he supported the Government when he was consulted about it.

2075. Do you hold that Indian public men have a proper sense of Law and Order?—Certainly a sense of responsibility, when the responsibility is placed upon them.

2076. You would not agree with their critics that they are too nervous to be able to withstand the criticism of their Legislatures?—I do not agree at all with that view.

2077. What has been the reaction in India on the opinion which has been expressed on the White Paper that it amounts to abdication and surrender of power. What has been the reaction?—It has led to very great dissatisfaction with

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our fellow British subjects here who think that even the very meagre proposals outlined in the White Paper should be considered by any sensible person as amounting to abdication or surrender.

2078. This cry of abdication and surrender has evoked very strong criticism in India, and surprised many people?—Yes; it is clear from the writing in the Press.

2079. You will agree with me there is a very strong reaction in India to the extremism in England?—Yes.

2080. You would further agree with me that India is not the only country which has the monopoly of extremists?—I hope not.

2081. With regard to financial stability and credit, you said something about the Reserve Bank? Is it or is it not the feeling in India that, so far as the Reserve Bank is concerned nobody can be sure how long it may take?—That is so.

2082. And do not you think that the feeling in India is that it will be most dangerous for us to come into a scheme which may materialise five or ten years hence?—If even then.

2083. And it would not be right for us to come into any scheme and bind down those who may occupy the field after ourselves?—Quite so.

2084. That is your opinion. On the main basic principles of Federation during the last three years public opinion has been more or less strongly supporting the idea of federation with the Indian Princes with certain safeguards during the period of transition?—That is so.

2085. Am I right in assuming that the line of criticism in India has been that many of the safeguards when closely examined nullify the responsibility?—Yes.

2086. What has been the reaction in India to the power that is now sought to be given to the Governor to issue ordinances in the Provinces?—It is totally opposed to it.

2087. Will you give the reasons for that opinion?—The reasons are that experience shows that even in times of crisis or disturbance Law and Order can be enforced, if necessary, by the promulgation of ordinances by the Governor-General as the occasion demands it, and there is no necessity for vesting this very drastic and serious power in the Governors which is apt to abuse at times.

2088. What has been the reaction in India to the omission to refer to Dominion status in the White Paper?—People believe and think and hold that

an attempt is now being made to go behind the pledge of Dominion status announced by Lord Irwin in his Declaration of October, 1929.

2089. May I ask you a question about the word "pledge"? Does the average Indian attach, or does he not attach, the greatest importance and significance to statements made by Viceroy in India?—By the King, by the Queen, by the Viceroy, by Parliament—to all those.

2090. My question is limited to the Viceroy of India?—Certainly.

2091. Does he, or does he not attach importance to the statement made by the Prime Minister of any Government in England?—Undoubtedly.

2092. And he is not prepared to make any distinction between pledges given by Parliament and those given by the King's representatives in India?—That is so. He thinks it is a very subtle, metaphysical distinction having no substance.

2093. What do you think will be the consequence on the Indian mind of denying those pledges given by the Viceroy, and the King's representative in India?—The sense of trust will disappear.

2094. Will not it lead to absolute disorder in India?—Certainly.

2095. Has not public opinion of all sections in India attached the greatest possible importance to Lord Irwin's announcement in October, 1929?—That is clear from the fact that leaders of the Congress movement welcomed that announcement and held meetings in support of it.

2096. They have attached the greatest possible importance to that?—Yes, even the Congress leaders joined in the movement welcoming the announcement. That shows clearly the attitude of the country towards that announcement.

2097. Now when you used the expression "political imposture", borrowing it from Mr. Asquith, as he then was, what was it that you meant to convey by that?—I meant to convey that the White Paper scheme proposes to confer self-government in India, but really, in substance, it is not self-government at all. It is a very limited power, hedged in all round with so many safeguards that it will be impossible for the people to have the real substance of self-government.

2098. And the White Paper, from the Indian point of view, did not give the substance of self-government?—Not at all; that is what I meant.

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2099. Now, supposing Parliament introduced provincial autonomy, and left the question of Federation, or responsibility at the centre, to an undefined future, do you think that you would get any large number of politicians in India to work a Constitution like that?—No; the country will not have provincial autonomy only, without an almost simultaneous introduction of responsibility at the centre.

Sir Tej Bahadur Sapru.] What would be the attitude of the Moderate Party in India?

Marquess of Salisbury.] Does the witness belong to the Moderate Party?

Sir Tej Bahadur Sapru.

2100. He belongs to the Moderates. What would be the attitude of the Moderate Party in India?—They will feel very much aggrieved, indeed.

2101. Will you tell me whether there is any official definition of a Moderate in India?—It is a matter of opinion.

2102. Is it, or is it not a fact, that in India a person is a Moderate so long as he agrees with the Governor and the Government, and he becomes an Extremist the moment he differs from them?—That is so, I believe.

Mr. Rangaswami Iyenger.

2103. I have a few questions to put to you, Mr. Sinha, with my Lord Chairman's permission. You said at the outset, in reply to a question from Lord Hutchison, that you thought there was an alternative scheme that might be devised by the people sitting here for the purpose of giving financial responsibility if a Reserve Bank is not established. I want you to let me know whether what you stated there is merely what you have stated in your evidence in the Memorandum, that it is only a temporary provision with a view to enable Federation at the start, and financial powers may be evolved. I am referring to paragraph 5 in your Memorandum?—The paragraph headed "Federation"?

2104. Yes. You have said "if the Reserve Bank cannot be established by 1935, interim financial arrangements should be provided so as not to block the inauguration of the Federation"?—What I mean is I am so anxious that Federation should start, if possible, simultaneously with provincial autonomy, but if, in two years' time, no arrangement can be made for a Reserve Bank, some other proposals might be considered, if practicable.

19335

2105. Your idea was to make a temporary arrangement so that Central responsibility may not be delayed beyond 1935?—That is so.

2106. May I draw your attention to the fact that under the Central Government as now constituted, the responsibility for financial stability in India is still in the hands of the Governor-General in Council to-day?—Yes.

2107. And do you not think, apart from technicalities, that that power may well continue in the interim period?—Yes.

2108. So that Central responsibility may not be delayed until a Reserve Bank is actually established?—Yes.

2109. I want you, therefore, just to tell me whether you are or are not in favour of a Reserve Bank. You are entirely, I take it, in favour of a Reserve Bank, as soon as possible?—Yes.

2110. And you think that it is possible to devise means, very much on the lines which now exist for financial stability to be assured, without in any way taking away the power of devolving powers to Indian Ministers?—Yes.

2111. The other point I wanted to put was with regard to the question of the Governor's powers. You have told us, in answer to a question by my friend, Sir N. Sircar, that you considered the Governor's powers with regard to the prevention of grave menace to peace and tranquillity will be very much greater than they would be under the present scheme, and that the Governor, acting at his discretion, will be a very different person from the Governor in Council, in which Council he will be acting in the name of the Executive Council?—Yes.

2112. May I draw your attention to Section 41, sub-section (1), which says: "If any difference of opinion arises on any question brought before a meeting of the Governor-General's Executive Council, the Governor-General in Council shall be bound by the opinion and decision of the majority of those present, and, if they are equally divided, the Governor-General or other person presiding shall have a second or casting vote"?—That is exactly what I was trying to emphasise.

2113. So that all Acts and Orders of Government are proceeding on the assumption that it is the decision of the majority?—Yes; that was the point I was emphasising.

2114. Then there is the proviso giving the power to the Governor to override that majority opinion, under strict

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limitations and conditions, which give also the dissenting people the right to submit their case to the Secretary of State?—Under sub-section (2) of Section 41.

2115. You say that that conception of corporate Government will be removed, if the Governor exercises powers in regard to Law and Order at his own discretion?—Quite so.

2116. And that you think will make it worse for my country?—Appreciably.

2117. The other point is this: With regard to the exercise of the powers superseding the authority of the Minister under this section, it has been stated in paragraph 26 of the White Paper—may I read the passage to you—"The present proposals in general necessarily proceed on the basic assumption that every endeavour will be made by those responsible for working the Constitution to approach the administrative problems which will present themselves in the spirit of partners in a common enterprise." I am asking you, therefore, that it is only after the problem has been approached and the partners in a common enterprise do not agree, that the Governor-General will be asked to exercise these emergency powers for a grave menace. Is that your view of the proposals in the White Paper?—That is how it is put here.

2118. Therefore, when that state of things does arise in a Constitution, does not that Constitution break down, and if there is, therefore, a breakdown in the relations between the Governor and the Executive of the Legislature of the Province, are there not powers which the Governor now possesses to act in the case of a breakdown?—Yes.

2119. I assume you have read the sections which provide for the prevention of a breakdown?—Yes.

2120. Do you not think that with powers to deal with cases of breakdown then further powers are entirely unnecessary and superfluous?—Certainly.

Sir Hari Singh Gour.

2121. Mr. Sinha, you have been asked your opinion of the progressive political section of the country. With your long experience of Indian public life, extending to 40 years, are you prepared to categorise the people of India, broadly speaking, under three heads at the present moment: the Extreme section,

which may be called the Revolutionary section, which believes in the doctrine of force; the Congress, which believes in using civil disobedience and allied weapons for achieving the purpose it has in view, namely, the obtaining of an independent status for India; and the Moderate Constitutionals, whether you call them Nationalists or members of the Liberal Party, who stand by the Constitutional progress of the country? Would that be a fair division of Indian public opinion?—I think you have put it very clearly.

2122. And you belong to the last section?—Yes, the Constitutional Nationalists.

2123. The Constitutional Nationalist section of Indian public opinion?—Yes.

2124. Now your contact with the mass opinion of India, the vocal and non-vocal mass opinion of India, I take it is very intimate, in view of the fact that you are a practising member of the Bar, a politician, a journalist, and connected with land in your own Province?—Yes.

2125. May I, therefore, ask you to voice your opinion on the vast bulk of the masses in India, as to whether they, so far as you have been able to judge by your observation and experience and your intimate contact with them, do not also share your own views on the subject?—They do; I claim to say that.

2126. Is there any section of Indian opinion to which you can refer that is prepared to accept the White Paper without any modifications?—Not as it is.

2127. Are you aware of any section of Indian opinion that will work this White Paper, if it is translated into an Act of Parliament, without the safeguards which you have recommended? It is very unlikely.

2128. And would there not be an acceleration of the pace of transforming the Constitutionalists into Congressmen, and the Congressmen drifting into the Revolutionary party if they find that the political progress of the country goes no further than the White Paper as it is published?—Those are very likely prospects.

2129. Now I wish to ask you this, Mr. Sinha: You have very rightly pointed out that you cannot accede to the granting of provincial autonomy without a large measure of Central responsibility, and that the two cannot synchronise—the time that may elapse between the two must be very short indeed. You have put it down as two years?—Yes.

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2130. Now if you will kindly refer to your Memorandum, under the heading of Federation, you have said: "It should be definitely provided that the representatives of the Indian States in the Federal Legislature shall not take part in purely British-Indian matters, but only in those relating to the affairs of the country as a whole." Do you, and the public opinion you voice, strongly feel that if the members of the Indian States come into the Federation and interfere with matters affected by the administration of day to day questions of purely British-Indian interests, that would not satisfy the British-Indian opinion?—It is likely to lead to serious complications.

2131. Because it would be an interference by the Indian States with the administration of British India and no reciprocity?—That is it.

2132. In that case you would claim a measure of reciprocity?—That seems only fair.

2133. Now supposing the Indian States do not accede to this condition, which you regard as a condition precedent for the coming into the Federation of the Indian States, would you not rather begin with the Federation of British-India and then work up to the larger Federation with the Indian States?—I would not reply to that question on this particular point only, but I am clear that if, for some reason or other, unfortunately it may be, Federation between the Indian States and British India cannot be brought about in the near future, that is no reason at all why British-India itself should not have Federation for working its administration.

2134. Now you have said that you attach very great importance to the question of the Public Services in India?—I do.

2135. I find—and I wish to give it to you as the majority opinion of the Sub-Committee on the Services at the Round Table Conference—that the majority of the members said this (I will give you the exact words) at page 65 of the First Round Table Conference Report: "The majority of the Committee are of opinion that recruitment for judicial offices should no longer be made in the Indian Civil Service"?—Yes. I have referred to that question in my Memorandum under the heading of "Judiciary," where I deal with that subject.

2136. With your very large experience at the Bar, are you of opinion that this recommendation would be popular with the people of India?—It is not a ques-

tion of popularity. Certainly it will be popular, but, apart from popularity, it is desired now in the interests of the administration of justice.

Viscount Burnham.] Sir Hari Singh Gour, that is not the recommendation of the Committee. They say: "We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis."

Sir Hari Singh Gour.

2137. That is what I have read; I only read that passage about the majority of the judicial offices. I am not dealing here with the Civil and Administration offices. Now later on we find the following statement in this Report: "Dr. Ambedkar, Mr. Zafrulla Khan and Sardar Sampuran Singh are adverse to further recruitment on an All-India basis for the Indian Civil Service and the Indian Police Service save in respect of the European element in those Services." What is your valuable opinion on that subject?—I am sorry I could not follow the question.

2138. In the Summary of the First Round Table Conference these three responsible representatives of public opinion in India, Dr. Ambedkar, Mr. Zafrulla Khan and Sardar Sampuran Singh said that the further recruitment on an All-India basis for the Indian Civil Services and the Indian Police Force should be stopped "save in respect of the European element in those Services"?—That is the point I have dealt with where I suggest, quoting the recommendations of the Lee Commission, that in regard to the Provinces, the recruitment of Public Services should be left to the Provinces to do as they think proper.

2139. As regards the All-India Services, are you not of opinion that they should be left to the Government of India?—Quite true; I should leave it to the Government of India.

Dr. Shafa' at Ahmad Khan.

2140. Is it the Governor-General or the Government of India?—The Governor-General. As I conceive the future Government of India, it will be practically the Governor-General.

Sir Abdur Rahim.

2141. I think you are aware that when the Declaration of His Majesty's Government was made at the end of the first Round Table Conference, that is, in January, 1931, that Declaration met with

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the general approval of the political parties in India?—Yes.

2142. Have you considered the proposals (yourself and your political party) in connection with that Declaration, whether it is the opinion in India that the proposals are in accord with the declaration made in January, 1931?—Yes. The Indian view is that the proposals are not in accordance with the Declaration made by the Prime Minister in 1930 or 1931.

2143. That Declaration is taken in India as a fulfilment of the past pledges by the British Government, British Prime Ministers, Parliament and the Viceroy?—That is so.

2144. And the Indian opinion is that, whatever constitution is framed now it ought not to leave room for further inquiries as we have been having for the last five years?—Yes; that this should be the last inquiry so far as constitutional reforms are concerned.

2145. And that the constitution as now devised ought to be a self-contained Constitution with provisions for growth?—Yes, automatic growth.

2146. And you think the transitional period spoken of in the Declaration of His Majesty's Government ought to be terminated by the Constitution itself, according to some period or other which is provided for?—Yes.

2147. Otherwise the present proposals in the White Paper will remain part of a permanent Constitution for India?—Practically it will be so.

2148. You were asked a question with regard to the communal and political parties. In Bihar now is there a party which is representative of Hindus and Muhammadans?—Yes, the United Bihar party of which the Honourable Mahara-jahdhiraja of Darbhanga is President is not confined to any particular class or community, but has representatives from the Hindu, Muhammadan and other communities. All sections are represented in that.

2149. In the Assembly also there are political parties of representatives of different communities all mixed together?—Yes.

2150. Parties formed on a political basis?—Yes, on a political basis.

2151. You are familiar with the conditions of the Punjab?—I am familiar with the conditions of the Punjab.

2152. In Punjab also there are similar political parties. With regard to the special powers of the Governor there is

no definite proposal in the White Paper that the Governor is to have a secretariat or secretaries of his own, so that he may discharge the special responsibilities imposed on him?—No.

2153. But do not you think it will follow as a matter of course if these special powers of the Governor in the Provinces are retained then he must have a secretariat of his own in order to supply him with information, make suggestions, and all that?—Yes, or the Chief Secretary will practically act as a member of the Government although not in name but in substance.

2154. Quite so. In that case there will be practically dual Governments?—Yes, a Reserved side in substance for the Governor, with the Chief Secretary, and a Transferred side for the Ministers.

2155. And the Reserved side which covers practically the whole field would overrule the Ministerial Government?—That will be so.

2156. You have pointed out as regards the Provinces that the White Paper proposals will be on the whole reactionary as compared with the present state of things under the Government of India Act, 1919?—Yes, that is my view.

2157. I want to draw your attention to the Governor-General's responsibilities regarding the centre. You find, according to the White Paper proposals, what is now the Political Department for external affairs will be solely in charge of the Governor-General, not of the Governor-General-in-Council?—The Governor-General alone.

2158. So in that very important respect the White Paper proposals go back upon the present state of things?—Yes, it will be a shade worse.

2159. As regards the special responsibilities both of the Governor-General and of the Governor and the powers specially given to enact Acts and to obtain supplies, and all that, the Governor-General will act entirely at his discretion according to the White Paper?—Yes.

2160. So, I take it, as I read the Paper (I want your opinion) there can be no interpellations in Council, no discussions regarding the exercise of the special powers of the Governor?—That will be the natural effect of that, I think.

2161. And now the Legislature both at the centre and in the Provinces have much wider powers in these respects?—Yes.

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2162. I am not quite clear about the All-India Public Services in paragraph

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14 of your Memorandum. Your proposal is that all the officers of all the Imperial Services should be controlled by the Governor-General?—No.

2163. What exactly is the proposal?—My view is that as far as recruitment is concerned—

2164. For the future, of course?—For the future, the Provinces should be given absolute power to recruit in their own Services whether for the police, or civil administration, or anything. Those who are already in the Services should be given protection in respect of their salaries and pensions and emoluments they are enjoying at present, and their rights should be safeguarded by the Constitution.

2165. I want to know what would be the position of the servants who are now serving when the Act is passed. Will they be under the control of the Governor, the Government of India, or the Secretary of State?—So long as their rights (whatever may be considered their rights) are properly guaranteed under the Constitution it really does not matter much in whose control they are for those purposes.

2166. What is your view about it?—I should place them under the Governor of the Province.

2167. And the Imperial Services in the Central Governments?—And the Governor-General for the Services relating to All-India; and the Provincial Services under the Governor after guaranteeing their rights under the Constitution.

2168. You think the ultimate aim should be to place all Imperial Service officers serving in Provinces under the Ministers?—Yes.

2169. Why the ultimate end; why do you not Advocate it as the immediate end?—I used the word "ultimate" in view of the difficulty that there are a number of people in employment in the All-India Services who will be on a different footing from those who will come afterwards. If it is wrong I will withdraw it, but that is what I meant.

2170. In the second paragraph on the same page on the same subject you have made a distinction between officers recruited before 1919 and those recruited after that date. What is the basis of your distinction?—The distinction is not made by me, but it is already there in the Statute, Section 96B of the Government of India Act, which makes it quite clear that the

position of those appointed after 1919 would not be the same in respect of these matters as that of those who were appointed before 1919. I am not making any distinction at all. I only take the law as it is in Section 96B.

2171. Are not the persons who joined the All-India Service after 1919 legally entitled to enjoy the privileges accorded to them by the Act of 1919?—I do not say it is legal, but that they cannot claim the same rights which people recruited before 1919 are entitled to ask for.

2172. Are not they enjoying those rights in accordance with rules framed under the Act of 1919?—Yes.

2173. Then how can you deny it to them?—Those rules framed by the Secretary of State are changed from time to time, and they have been changed before, and they may be changed in future.

2174. They are part of the law, are they not?—I do not think they are part of the law. They are statutory rules, but they cannot supersede Section 96B.

2175. Section 96B, sub-section (2), did give power to the Secretary of State to frame rules?—Quite, but those rules are only to carry on the work of administration. They cannot confer upon them higher powers than the law itself confers.

2176. Is it contended that the rules framed have gone beyond the powers conferred?—If they do I want to know your opinion whether these rules have actually exceeded the powers conferred by the Act.

2177. Not if, but do they?—I cannot offer any opinion upon that particular point.

2178. Can they do it under the law, because the Secretary of State has wide powers, not limited powers?—He has wide powers.

2179. So they are legal?—They may be legal. I do not question their legality.

2180. You replied in answer to a question of Sir Henry Gidney that you are in favour of representation of minorities in public services. This view is endorsed by the party you represent here?—I think so. Nobody questions in Bihar that the minorities should be properly represented in the Public Services.

2181. Am I right in thinking that this view is held not only by you, but also by all the leading political organizations in India?—Yes, subject to the efficiency of the Public Services.

2182. Yes, of course, we always take it as being subject to that?—Yes.

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2183. Because the Round Table Conference Services Sub-Committee also made almost the same recommendation?

—Yes.

2184. It also made it subject to the possessing of the minimum requirements. I agree with you entirely that a Bill to be framed, or an Act to be introduced, or inaugurated, should contain provisions, or almost simultaneous provisions, for the introduction of responsible Government?—Yes.

2185. But do you think this proposal of yours is a necessity to the inauguration of the Federation within one year?—No, I say two years I will give, because if it cannot be done in one year the Crown may extend the period by one year.

2186. If it is not done within two years what would you suggest should be done?—If it cannot be done within two years it may not be worth while having at all, because the position in India may change for the worse. We cannot foresee the position beyond two years.

2187. Do not you think if you have it for one year or two years you will be a party to starting an agitation immediately the Constitution is inaugurated?—No. I think by placing a limit of two years you may be expediting the matter, but by leaving the matter open indefinitely it may not come about at all.

Mr. Zafrulla Khan.

2188. I have been rather troubled by one view you have expressed, and I wish to put a question or two to you in order to elucidate further that view if I may be able to do so because that may affect my attitude towards certain proposals?—Certainly.

2189. You have said that in your view, and also in the view of a very large number of people in India, the proposals contained in the White Paper with regard to the powers of the Governor and the Governor-General do not indicate a substantial advance upon the present position. As a matter of fact to some extent they are retrograde. I shall try to confine myself, say, to the Provinces just to understand what would be the actual difference, or whether there would not be any. Taking the matter step by step, let us suppose (if you will clear your mind of everything else, and only pay attention to this, if you please) that so far as the Provinces are concerned the only proposal in the White Paper had been that, in addition to those subjects

which are already transferred, the subjects of Land Revenue, Irrigation, Excise and Law and Order, shall also be transferred, retaining in the Provinces all the other present provisions of the Act of 1919: Would that, or would not that be in your opinion some advance on the present position?—Yes, if that proposal of yours was coupled with the introduction of real and genuine Ministerial responsibility, then it would be, in my opinion, a great advance. That would practically constitute a constitutional Government in the Ministry.

2190. Apart from anything else the transfer of these subjects under the Constitution would constitute some advance?—It would constitute some advance had it not been hedged in by all those conditions.

2191. We will take the position step by step?—If you can take them separately.

2192. Under the present Constitution you have no doubt observed the provisions of Section 52, subsection (3) of the Government of India Act?—Yes, I am familiar with that, I think.

2193. It is page 79 of this edition, if you have the same edition as I have. Section 52, subsection (3) reads as follows: "In relation to transferred subjects the Governor shall be guided by the advice of his Ministers unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice." So that the present position is that even with regard to the transferred subjects the Governor (not the Governor-in-Council or anybody but the Governor as such) has the power to direct, if he sees sufficient cause to dissent from his ministers, that action shall be taken otherwise than in accordance with their advice?—That is so.

2194. There is no limitation upon that power of the Governor as such?—No.

2195. Will you kindly now turn to paragraph 73 of the White Paper proposals. It says: "The Governor's Instrument of Instructions will accordingly contain *inter alia* provision on the following lines"—I need not read out the first proposed paragraph of Instructions?—No.

2196. Then the second paragraph goes on to say: "In matters arising out of the exercise of powers conferred upon you for the purposes of the government of the Province other than those specified in the preceding paragraph it is Our will and

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pleasure that you should in the exercise of the powers by law conferred upon you be guided by the advice of your Ministers, unless so to be guided would, in your judgment, be inconsistent with the fulfilment of your special responsibility for any of the matters in respect of which a special responsibility is by law committed to you." Now before you go further, with regard to the effect of the special responsibilities, will you agree with me that, so far at least as the Statutory position is concerned, the difference will be this, that, under the present Section 52 and the Instrument of Instructions, the Governor can direct action to be taken contrary to the advice of the Ministers, merely if he thinks that is the right course to adopt. Under the Instrument of Instructions, he will be able, or he will have power, to direct action to be taken contrary to the advice of the Ministers only if the advice conflicts with one of his special responsibilities and not all over the field. Confining ourselves for the present moment only to the provision, is there that difference?—There is that difference.

2197. I understand at this stage that your position is that that may be a difference in theory, but the special powers are such that they enable the Governor to go all over the field?—That is my view.

2198. In that respect may I draw your attention to paragraph 70, on the previous page of the White Paper. I put this question to you. Supposing the first special responsibility, that is to say: "the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof" could be so defined as to limit the intervention of the Governor, under that special responsibility, to the Department of Law and Order itself, that is to say strengthening the Police machinery and having more funds for the Police or additional Police, or something of that kind and was not interpreted to mean that he would intervene with regard to the policy of his Cabinet wherever he wanted to, do you not think that, debarring that intervention in the Department of Law and Order itself, the Governor's intervention under the new conditions would be very much less?—Yes. The language relating to special responsibilities should be circumscribed and limited to special circumstances. On the whole, it might then amount to advance.

Begum Shah Nawaz.

2199. Mr. Sinha, is it not a fact that, apart from the general disappointment amongst the women of every Province, in many of the debates on the White Paper in the Provincial Legislatures, as well as in the Central Assembly, several members belonging to almost every community expressed dissatisfaction with the proposals contained in the White Paper regarding women's franchise?—That is so.

2200. And with all the administrative experience that you have, do you think that there are very great administrative difficulties involved in giving effect to the recommendations of the Lothian Committee?—They are not insuperable; nothing is insuperable that I know of.

Sir John Wardlaw-Milne.

2201. In view of the very important position which he holds in the Constitutional Nationalist Party, I want to ask Mr. Sinha if he could tell us what the number (if it is possible to give any idea of the number) of the followers of that Party is in India?—I should say, putting it very broadly, all the fairly educated and politically-minded classes who do not belong to the Congress Party. I would put it like that.

2202. But unfortunately even so, would you say the numbers would be comparatively small as compared with the other Parties?—My own view is, I may be wrong, that the Congress Party includes, not only the educated classes, but also large sections of the lower strata of society, which we call the masses.

Earl Winterton.

2203. I understood that the Witness said he represented a Party in the Bihar Legislative Assembly. Do I understand him now to say he represents the Nationalist Party?—I did not say I represented any body at all.

Earl Winterton.] I did not quite understand my honourable friend's question. I understood my honourable friend to suggest to the Witness that he represented the Nationalist Party of India.

Sir John Wardlaw-Milne.

2204. I did not suggest that in this room he represented them at all. I understand he is giving evidence in an individual capacity, but he has stated here to-day, and it is stated in his Memorandum, that he led the Opposition for that Party, and I am endeavouring to find out to what extent that Party

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represents opinion in India. I asked the Witness what proportion of the politically-minded is represented in the Constitutional Nationalist Party, which he is specially associated with?—My answer was that all the politically-minded classes in the Province of Bihar and Orissa, and, for the matter of that, in the whole of India, who do not belong to the Congress Party, may be said to belong to the Constitutional Nationalist Party.

2205. And as you before pointed out, I think—I do not want to put the words in your mouth—I am not wrong in suggesting that, even so, that is a small number as compared with the others; that the larger body belong to what you have described as the Congress Party?—That may be difficult to give any exact answer to.

2206. It being the case that there is a very large number belonging to the Nationalist Party, do you feel that you are quite justified in saying, as I understood you did in answer to Sir Hari Singh Gour, that you could state what was the opinion of the masses in India?—I can certainly state the opinion of the masses in India, being in contact with them intimately in various ways, as a member of the Bar of 41 years' standing, and as a public man.

2207. I am only trying to get an answer as to the number you represent?—I am pointing out that I have had lifelong opportunities of coming into contact with the masses. Each time I stand for election in my constituency, I have to go round and solicit their votes, talk to them, discuss matters with them, and, therefore, by reason of the many opportunities I have had, I am in a position to tell you here the opinion of the masses of India, the common people, the electorate, people who are paying very small amounts for the purpose of being enfranchised. I have to go and talk to them, and discuss things with them, and, therefore, I am in a position to give you their opinion.

2208. Is that in Bihar?—Yes, in Bihar and Orissa.

2209. You speak of representing the masses of Bihar and Orissa?—Certainly.

2210. Not of the masses of India?—No. Nobody could say what India thinks. India is much too large for any one individual to represent them.

2211. Then I take it that your answer to Sir Hari Singh Gour referred to the masses of Bihar and Orissa?—It must be taken with that qualification.

2212. Speaking very generally, would you agree with me that the suggestions made in this Memorandum from you are that it is desirable that the safeguards set out in the White Paper should be cut down considerably?—Considerably.

2213. You would agree with me that if, by any chance, that course were followed and, unfortunately, as a result of insufficient powers in the hands of the Governor-General or the Governor, there were by any chance to be communal or other outbreaks or other troubles of any kind in India of a very serious character, it would be the masses who would suffer?—If there are disturbances in any country, whether India or England, it is the masses, the people taking part, who naturally suffer.

Sir John Wardlaw-Milne.] And you agree that you are not in a position to speak for the masses.

Sir Hari Singh Gour.] Did I understand the witness to concur in the suggestion made by Sir John Wardlaw-Milne that he is not in the position to speak for the masses?

Sir John Wardlaw-Milne.] He has already said so.

Sir Hari Singh Gour.

2214. I wanted to be clear as to what the witness said?—I said I speak mainly for the masses of Bihar and Orissa.

2215. And for the masses elsewhere?—I have only a general knowledge of them; I have had no personal knowledge of them.

Mr. Davidson.

2216. Mr. Sinha, under the paragraph headed, "The Special Powers of the Governor," at the end of paragraph 16 in your Memorandum, you criticise the giving to the Governor of a power to legislate by Ordinance, and at the end of the paragraph you say: "Nor should the Governor be authorised to issue an Ordinance even at the instance of the Ministry," and you go on to say: "If a Ministry is not capable of carrying on its administration without getting the Governor to issue Ordinances, the sooner it is replaced by another, the better." I suppose I am right in assuming that the Legislative Council, or the Assembly, does not sit twelve months in the year, and if that be the case and a situation arose which required legislative action, how would you propose that that legislation should be passed to meet an emergency arising when the Assembly was not in Session?—An Ordinance is not

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passed by the Legislature; it is issued by the Governor-General at present and on his own sole responsibility; therefore, so far as an Ordinance is concerned, there is no question of the Legislature being called at all.

2217. But legislation by Ordinance is a method of dealing with a situation of that kind when the Legislature is not in Session?—If I may say so with great respect, it is not legislation by Ordinance. There is no such thing as legislation by Ordinance. It is the promulgation of Ordinance. An Ordinance is promulgated by the Governor-General on his own responsibility.

2218. But it has the same force as legislation?—For six months.

2219. Do you object to a Ministry coming to the Governor or Governor-General during a recess and asking him to promulgate an Ordinance at its request to meet a situation which has arisen and which could not be met because the Assembly was not sitting?—My point is that if an Ordinance has to be promulgated, it should be done by the Governor alone on his own responsibility and not taking shelter behind the Ministry. Why should the Ministry ask the Governor to promulgate an Ordinance? If they cannot do the work, they should go out. I am putting forward the view that the Ministry should be no party to the promulgation of an Ordinance. I do not see why they should.

Miss Pickford.

2220. In that same paragraph, Mr. Sinha, you object to vesting the power of making Ordinances in the Governor and prefer to continue the present system of vesting it only in the Governor-General?—That is so.

2221. Is it not the case that, under the present system of dyarchy, the Government of India has responsibility and control of the Reserved Departments in the Provinces?—That is so.

2222. Under a system of provincial autonomy, under which these Reserved Departments would be transferred, do you not think it is more in consonance with the principle of provincial autonomy to vest the power of making Ordinances in the Governor, who is the Head of the Executive in the Province and will make Ordinances for his Province alone, rather than to vest that power only in the Head of the Central Government?—Provincial Autonomy implies a Constitu-

tional Governor with a Ministry and a Governor armed with the powers of promulgating Ordinances, whatever else he may be, is certainly not a Constitutional Governor at all.

2223. But you say that you prefer that the power should remain with the Governor-General, that is with the Head of the Central Government, rather than with the Head of the Provincial Executive?—Yes, because, if I may say so, promulgation of an Ordinance is a very serious matter. I wish I could convey to you the amount of suffering that is entailed in India on a large number of innocent people who are not involved in civil disobedience, and, therefore, I would reserve this power, which is a very drastic and serious power, in the hands of an authority who may be expected to consider the position fairly dispassionately, rather than in the hands of the Governor on the spot, who may be in a position to act with promptitude if he is panic stricken or alarmed. Therefore, to be on the safe side, if the power is to be vested anywhere (I am against it being vested anywhere), I would much rather keep it in the hands of the Governor-General than in the hands of the Governor.

2224. Then you prefer that to be a Central, rather than a Provincial responsibility?—Yes, that is my reason.

2225. Just one other point. In answer to Sir John Wardlaw-Milne you said that you could speak for the masses in Bihar because, among other reasons, you were in close touch with your constituents and, therefore, could know their opinion from canvassing them. Do you agree with the figure in the Franchise Committee's Report that the percentage of the total population at present enfranchised in the Province of Bihar and Orissa is 1.1 per cent. of the population?—That may be.

2226. And you think that you are in touch with the masses when you are in touch with the constituents?—But you forget that when I go to the masses I do not speak only to the 1.1 per cent. of the people; I speak to all. When I go down, I speak to everybody there, and that is how I come in contact with them. I do not speak to 1.1 per cent. of the people only.

Sir Reginald Craddock.

2227. Mr. Sinha, when Bihar was separated from Bengal was not there a considerable agitation on behalf of the Biharis?—At that time?

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[Continued.]

2223. Yes?—Possibly there was.

2229. Has not that still continued?—No, not now because it is 20 years since the Biharis have come into their own and there is no reason for the agitation.

2230. Are you yourself a Bihari?—I am a genuine Bihari.

2231. That is to say, you are settled there?—Not only that, but my forefathers for ages have been there.

Sir Tej Bahadur Sapru.

2232. You are not a Bengali?—I have not that honour.

Sir Reginald Craddock.

2233. The trouble which was complained of before has to a large extent subsided?—Yes.

2234. Do you consider yourself in touch with the aborigines?—Yes, because as a Member of the Government I have had to spend six long years in Chota Nagpur, and, the roads being in good condition, I motored about that area for six years; so I make that claim.

2235. You are not in constant touch with the aborigines?—Not in constant touch.

2236. You say there are a good deal of literates among them?—There has been a great progress in education in recent years.

2237. That is mainly owing to the Missions?—Largely to the Missions and also to the Government's educational policy which encourages them.

2238. I want to mention two things with regard to your Memorandum. As regards commercial discrimination, you object to the Governor having any special responsibilities about that, do you not?—I do.

2239. What do you recommend?—I recommend a settlement of that question by the Federal or High Courts. I am speaking now not of the interests of India or of England, but in the interests of the Governor himself, because each time the Governor becomes involved in a dispute of this character, whatever decisions he may give one way or the other will bring him into disrepute with one section or another, and it is not desirable that the head of the administration should be mixed up in such a question. Therefore, I suggest that all such questions should be settled by the Federal or High Court (which-ever it may be), when it is a question

of determining a matter of racial discrimination.

2240. What sort of litigation do you visualise—litigation by individuals? You have enough litigation in India already?—It may be by individuals; it may be by companies or classes. Whatever it may be, I would not welcome the idea of the head of the Executive being mixed up with it each time.

2241. It would be a very expensive remedy, would it not—the litigation involved?—It may be fairly expensive. All litigation is expensive, but at any rate it yields some income to the State in the way of Court fees, which is not to be despised.

2242. As a lawyer, that is quite interesting to you?—As an ex-Finance Member, I welcome Court fees being paid to the Government.

2243. I want to ask you about the special powers of the Governor (Clause (a), Section 70: "the prevention of any grave menace to the peace and tranquillity of the province"), under the section of your Memorandum headed: "The Special Powers of the Governor." You suggest that those powers should be limited by limiting the Governor's action to cases "resulting from or likely to result from the activities of one or more persons tending to the commission of crimes of violence"?—Yes.

2244. I only want to suggest two illustrations to you. Would you regard a Civil Disobedience movement as falling within the terms that you propose?—No.

2245. You would not?—No, unless it leads to actual violence. All Civil Disobedience does not lead to acts of violence.

2246. No, but the Governor has to foresee a little bit what is going to happen, has he not?—Yes.

2247. Every Civil Disobedience movement hitherto has led to acts of violence. If a new Civil Disobedience movement is projected would the Governor be able to use those special powers?—My answer is that as long as civil disobedience movements do not lead to actual violence the Minister can cope with the situation by ordinary means at his disposal. It is not a matter for special responsibility.

2248. But if the Minister is not coping with it with the means at his disposal, what then?—If the Minister is not coping with Civil Disobedience?

2249. Yes?—If the Minister is worth his name and salt he must cope with it.

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[Continued.]

2250. I would not put it beyond possibility?—You put it on an assumption that the Minister for Law and Order would not discharge his responsibility.

2251. He might not?—If he does not the Governor could send him away.

2252. You would not allow him to use this special power?—No; if the Minister does not discharge his duty the Governor is justified in saying to him: "You have lost the confidence of the Council."

2253. He has lost the confidence of the Governor; he may not have lost the confidence of the Legislative Council?—My experience is that the Councils have always supported the Governor in these years of stress in the maintenance of Law and Order.

2254. Your Government did not pay a very large amount towards the cost of the police?—We paid a very large amount in Bihar and Orissa.

2255. The Bihar Government in reporting to the Simon Commission said it was impossible to get sufficient money for the police and the only way they could do it through the Legislative Council was to reduce the police in order to find money for a few men, and in the opinion of that Government the police had become quite inadequate for the situation. Do you recollect that?—When the Bihar Government came forward, during my time and afterwards, to ask for a larger establishment of police the Council always voted the money.

2256. I am reading what the Government, of which you were at one time a Member, reported to the Simon Commission?—If there is a doubt about it, it can be verified.

Lord *Eustace Percy*.] Is that quotation from the Simon Commission made as showing that the Legislature refused or that the money was not there? I do not know a single activity of government which has not been starved of money in Bihar during the last few years. It has been a practically bankrupt Province. I am only asking a question: What was the implication of the quotation?

Chairman.] Are you asking the question of the witness?

Lord *Eustace Percy*.] I am asking the question of Sir *Reginald*.

Sir *Reginald Craddock*.] My friend can look up the Report of the Bihar Government if he likes. It is specifically stated there it was impossible to get sufficient money for the police.

The *Witness*.] The Council never refused any demand of the Bihar Government for police to cope with the situation.

2257. Would you include the boycott of British goods in these events which may lead to disorder and the exercise of the Governor's power?—Yes, if the Governor thinks it will lead to acts of violence, but not otherwise.

2258. He has to wait until it dawns on him?—Yes, the Governor cannot hustle himself and everybody. He must exercise some patience and discrimination. The Governor is not an arbitrary individual who can do anything on the spur of the moment which comes into his head. That is not my conception of a Governor.

Sir *Reginald Craddock*.] I am not suggesting that he should act on the spur of the moment.

Sir *Joseph Nall*.

2259. I gather from Mr. Sinha's earlier answers that the White Paper, in the witness's view, is not adequate to meet Indian political opinion?—That is so.

2260. And you would desire considerable extension of the proposals?—Substantial modifications.

2261. In order to reach what you would regard as the full measure of self-government?—If not a full measure, at least a fair measure of self-government.

2262. What would you regard as a fair measure of self-government?—The least I would regard is that in the Provinces the Governor should be a constitutional Governor acting solely upon the advice of the Ministry, and in the Central Government, except one or two departments which may be reserved for some time, the Governor-General should also follow the advice of his Ministers. That would be my view of a fair measure of self-government which India would require at present.

2263. You indicated, in contradiction to the official view, that the White Paper does in fact curtail the present system of devolution?—To some extent.

2264. If Parliament is not prepared to go beyond the proposals of the White Paper, would you prefer to retain the present system rather than to have the proposals of the White Paper?—Yes, we much prefer the ills we have.

2265. I understand you regard the White Paper as inadequate to meet Indian political opinion?—Yes.

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[Continued.]

2266. But if it cannot be extended you would prefer to be without it?—If it cannot be changed at all, certainly.

Major E. Cadogan.

2267. I should like to ask Mr. Sinha a question on his paragraph dealing with the Army. It may be my fault, but the first sentence seems to me to be a contradiction in terms. How can a statutory provision which places upon the Governor as an obligation the complete Indianization within a definite period be elastic. Would not it be very difficult to draft such a provision?—My form of language is responsible for that. What it means is that a period may be fixed for the purpose, but power may be vested in the Crown or the Governor-General and if the scheme cannot be carried out within that period there may be a further extension of time. That is what I meant.

2268. I quite see. Would you agree that the pace of the Indianization of the Army depends above all other considerations upon efficiency?—Efficiency.

2269. You would agree there?—Certainly.

2270. You would agree that it would be an impossible situation for the Indian peoples to be defended by an inefficient Army?—Yes, an inefficient Army is worse than useless.

2271. Therefore, what would be the use of a time-table?—The advantage of a time-limit is that the Indian Government in that case will be less slack in the matter than they are now.

The Marquess of Reading.

2272. I only wanted to put one question to you. You have referred to the statement that was made by Lord Irwin as Viceroy in October, 1929, about Dominion status, in answer to questions put I think by Sir Tej Bahadur Sapru. Do you remember?—Yes.

2273. All I want to ask you is this: Are you aware that at the time that declaration was made there were debates in Parliament about it in this country?—I am aware of it.

2274. Are you aware also that the Prime Minister wrote (to put it quite briefly) to Mr. Baldwin to say that that statement by Lord Irwin involved no change in the policy pursued by the Government?—Some letter was issued at the time, I think.

2275. That was known in India as well?—I read that myself.

2276. You were in India and it was reported and known at that time?—The Prime Minister's letter to Mr. Baldwin?

2277. Yes?—Yes.

2278. Saying that no change was made in the policy hitherto declared?—Yes.

The Marquess of Lothian.

2279. You have had a good deal of experience of elections?—Yes. For the last 20 years or more I have had experience of elections.

2280. In the proposals in the White Paper it is proposed that the women, the wives of the existing Council voters, should only be put on the electoral roll if they apply to be so put on. It has been suggested that objections would be raised to the officers preparing the roll having the right to put the names of wives on the roll. Do you think there is any substance in that objection?—I do not think there is anything in that.

2281. You think there is no objection at all?—That is so.

2282. And that women will obtain their rights just as much as men?—Yes.

2283. The fear has been expressed in this country that under a system of responsible government, that is to say, a system under which a Ministry has to take, in the last resort, its policy from the majority in the Legislature, governments might come into office based on the franchise proposed in the White Paper which would not be sufficiently interested in the welfare of the agricultural ryot. Do you think there is any substance in that?—I do not think so.

2284. Do you think the franchise would result in parties coming into being which would have the interests of the agricultural population at heart?—Undoubtedly.

2285. In the same way, would you think that parties elected on the basis of the proposed franchise would in fact support as their primary concern the maintenance of Law and Order?—Undoubtedly, they will.

2286. A fear has also been expressed that a government responsible to the Legislature might not take the necessary action or unpopular action necessary for the maintenance of Law and Order?—I do not think that would be so.

2287. You think that such parties would undoubtedly be returned?—Yes.

Mr. Isaac Foot.

2288. You stated just now that you were the Editor of a newspaper?—Of a periodical.

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[Continued.]

2289. How long have you held that position?—Thirty-four years.

2290. Is that newspaper in an Indian language?—It is in English, and is called "The Hindustan Review."

2291. Over what area does that circulate?—It circulates all over India. It has a circulation in America and European countries. Being a periodical of long standing, it circulates very freely as an exponent of Indian public opinion.

2292. Is there any paper over which you have control that is published in an Indian language? There is no part of

that paper that is published in an Indian language?—No; it is published in English.

2293. As far as the masses are concerned, is there anyone who has a better opportunity than yourself for acquainting himself with the opinion of the masses of Bihar and Orissa?—There may be in India; I would not deny that possibility; but there is no one here in London who can.

2294. There is no one whom we can have here who can speak for them better?—No, I do not think so.

(The Witness is directed to withdraw.)

(After a short adjournment.)

MIR MAQBOOL MAHMOOD, Dr. P. K. SEN, Mr. K. M. PANIKKAR, and Mr. R. KAK. are called in, and examined, as follows.

Chairman.

2295. Mir Maqbool Mahmood, Dr. P. K. Sen, Mr. K. M. Panikkar, you are here to speak on behalf of the Chamber of Princes under the instructions of its Standing Committee. Is that so?—(Mir Maqbool Mahmood.) Yes, my Lord.

2296. I understand that you wish to hand in a Memorandum which is marked 21, and which is in the hands of the Committee and Delegates. Is that so?—Yes. It is as follows:

MEMORANDUM 21. JOINT MEMORANDUM OF EVIDENCE ON BEHALF OF THE CHAMBER OF PRINCES.

1. The following memorandum is submitted by us as witnesses on behalf of the Chamber of Princes under the instructions of the Standing Committee, which is elected annually to carry on the work of the Chamber of Princes.

2. The observations contained in the memorandum are offered with a view to ensure stability of the Indian Constitution and its acceptance generally by the Princes of India.

3. With proper safeguards, a suitable type of federal union between British Indian Provinces and the Indian States provides the most satisfactory basis of political evolution in India. This has been recognised in the Montagu-Chelmsford and Simon Reports, and was formally approved at the First Round Table Conference. The Indian Princes have declared that their entry into the proposed All-India Federation depends upon the inclusion in the Constitution and the Treaties of Accession of safeguards necessary to ensure effective discharge by them, in the new conditions of India, of their obligation to the Crown, to India and to their States. These safeguards relate to the preservation of their internal

autonomy, the continuance of their relations direct with the British Crown in their personal and dynastic matters, the inviolability of their treaties, the strict limitation of the spheres of Federal Government to matters (and under conditions) specified in the Instruments of Accession, the allotment to the States collectively of an effective share proportionate to their political importance in the shaping of the All-India policies, and the necessity of a smooth and stable constitution. The Indian Princes generally still adhere to this declaration.

4. In the light of the aforesaid considerations, the Standing Committee of the Chamber of Princes has carefully considered the proposals of His Majesty's Government as embodied in the White Paper. They regard these proposals as a constructive basis for the drafting of a federal constitution for India, and they appreciate that several important provisions which the States had urged have been incorporated in the White Paper. They are, however, constrained to remark that in certain essential matters—affecting the States—the proposals of the White Paper would require revision and

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elucidation if a sufficient and effective participation of the Indian Princes were to be ensured.

5. The Standing Committee of the Princes Chamber has read with satisfaction the statement in paragraph 3 of the Introduction to the White Paper that it must not be assumed "that the present proposals are in all respects so complete and final that a Bill would contain nothing which is not covered by this White Paper." Accordingly, the Committee has instructed its representatives to press for inclusion in the Bill of certain essential safeguards from the point of view of the States. These proposals are by no means new. They have consistently been pressed by the representatives of the States. They carry the support of the two main bodies of opinion amongst the Princes—generally known as the Federationists and the Confederationists. These suggestions are briefly stated below with reference to specific proposals of the White Paper. They appertain to questions primarily affecting the States, and do not include those safeguards (Appendix A) which the States consider essential, but which have already been covered, directly or indirectly, by the proposals of the White Paper, since it is assumed that they will be retained in the Constitution.

(Reference to headings, chapters and numbers of proposals relate to the White Paper.)

A. Federation—General.

Proposal 2. This clause enjoins that the Federation of India will include those Indian States whose rulers signify their desire to accede to the Federation. It seems understood, however, that the States may participate in the Federal machinery, either individually or collectively; and though the White Paper does not deny the right of collective action, it does not specifically recognise it. There are many States who would hesitate to join the Federation unless they can act therein collectively through confederation. The supporters of this point of view, and others amongst the Princes have come to an agreement that the Constitution should permit collective participation of such States as may so desire, leaving the option to others to deal with Federation individually. This procedure is not inconsistent with the basis of the White Paper proposals, and it has obvious advantages for the States, for India, and for the stability of the Constitution. The

purpose in view should be ensured by inserting some suitable provision.

B. Proposal 3.

(i) The first sentence of this proposal appears to suggest that the powers and jurisdiction of the Federation may be derived from the ruler of a State "by his Instrument of Accession or otherwise." The States have consistently made it clear that the content of Federal Jurisdiction, with regard to the States, should be expressly limited to subjects and powers specifically transferred under the Instruments of Accession, and that any additions thereto, or alterations thereof, should be subject to subsequent agreements between the parties concerned. It is therefore clear that no question of transfer of powers to the Federation would arise through usage, sufferance, etc., as the vague expression "or otherwise" might indicate. It is therefore suggested that the words "subsequent agreements" be substituted for "otherwise."

(ii) The second sentence of this proposal enjoins that "All powers of the Crown in relation to the States which are at present exercised by the Governor-General in Council, other than those which fall within the Federal Sphere, will after Federation be exercised by the Viceroy as the Crown's representative." The exercise of paramountcy by the Viceroy, contemplated by this Clause, would presumably be subject to those principles and conditions as might emerge from the negotiations, with regard to these matters, between the representatives of the Crown and of the States.

C. The working of the Federal Executive.

Proposals 11, 18, 20, 53 and 70. These proposals deal with the special powers of the Secretary of State, the Governor-General and the Governors, with regard to the Reserved Departments, and to their "special responsibility" with regard to the Transferred Departments. It is taken as understood that as against the States, the exercise of these powers will be subject to the treaties, engagements or sanads between the Crown and the States.

D. Federal Legislature.

(a) Proposal 26. It has been conceded that the States' quota of seats in the Upper House would be 40 per cent. of the total numbers. Accordingly, in case ten seats are reserved for nomination,

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these should include four representatives from the States; otherwise, the States would only get one hundred out of two hundred and sixty members, which gives them about 38.4 per cent. Moreover, it seems desirable to designate the Upper Chamber as the Senate, as was decided at the first Round Table Conference.

(b) Proposal 32. This proposal enjoins that a seat allotted to an individual State will remain unfilled unless that State has entered the Federation, and that no weightage will be allowed in either of the Houses to make up for the States which have not yet acceded. States under Minority Administration will be treated as non-acceding States. This Proposal, read with Proposal 4 (a) of the White Paper, leads to the conclusion that the Federation would become an accomplished fact even if a few States, representing half the population and half the States' votes in the Upper House, signified their consent. In such a Federation the States' interest will be represented by about 51 per cent. only of the seats reserved for the States. This would deprive the States of their due influence in Federal matters, and would be a deterrent against many Princes joining Federation forthwith, who might otherwise be prepared to come in. Moreover, it would reduce the voting power of that essential element which is expected to lend stability to the Constitution. The Standing Committee of Princes strongly urge the necessity of some suitable method for safeguarding the position and interests of the States in an effective manner till such time as all, or practically all, the States join the Federation.

(c) Proposal 33. In the form of Oath of Allegiance prescribed under this proposal for the representative of a State, the words "his heirs and successors" should be added after the letters "C.D." to provide for the allegiance in such cases not only to the Ruler of the State, but also to his heirs and successors.

(d) Proposals 36 and 52 (b) (i). These proposals deal with the rules to regulate procedure in the Federal Legislature, and seem to imply that with the prior consent of the Governor-General at his discretion, discussion and interpellations would be permissible in the Federal Legislature, regarding "matters connected with any Indian State other than matters accepted by the Ruler of the State in his Instrument of Accession as being Federal subjects." As it stands, this clause appears to negative the whole basis of the Princes' adherence to Federation.

(e) Proposal 41. This enjoins that in case of disagreement between the Chambers the matter may be referred to a joint session wherein a *simple majority* shall prevail. In view of the great disparity between the sizes of the two Chambers, this clause would in practice negative the principle recognised in the White Paper, of co-ordinate powers for the two Houses except with regard to the initiation of Money Bills. The Standing Committee of Princes attaches the greatest importance to the effective maintenance of the co-ordinate powers of the Upper House—which is designed to enshrine the federal principle. Moreover, since the claim of the Princes for equal representation in the Upper House has not been conceded, the States—even when they have all acceded to Federation—would constitute a definite minority in both the Houses, and, therefore, they could not invoke a joint session even if they all voted together unless some British Indian representatives in either House joined them and thereby constituted a majority. Even in that remote contingency if decisions were to go by a simple majority this provision would cut across the principle of co-ordinate powers of the two Houses, and would materially reduce the stabilizing influence which the Upper House is expected to lend to the constitution. It is, therefore, desired that special majorities of the Members present and voting at a joint session should be provided to resolve disagreements between the Chambers, to initiate constitutional amendments, and to record—at least in the first few years—a vote of no-confidence against the ministry. Otherwise, 84 per cent. of the Lower House alone, in spite of the unanimous opposition of the Upper House, or 78 per cent. of the British Indian Members only in the Legislature could pass any measure. This would seriously affect the position and influence of the States, even in matters which are of direct concern to them since they do not contemplate voting on purely British-Indian matters unless they involve the existence of a Federal Ministry.

(f) Proposals 47 and 48. These proposals deal with supplies. The Princes desire that the co-ordinate powers of the two Houses, with regard to Demands, should be adequately secured.

E. Relations between the Federation and the Federal Units.

Federal Subjects, Proposals 111 and 117, and Appendix VI. The proposals of

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the White Paper regarding the list of Federal subjects and the authority of federation over them require careful scrutiny and reconsideration. This scrutiny should be particularly directed to the following aspects of the question:—

(a) Appreciation of the distinction between subjects which would be within the exclusive legislative and administrative jurisdiction of the Federal Government and others in which administration would be reserved for certain States. It is understood that with regard to the latter class of subjects, the legislative authority of the Federation, though overriding, would not be exclusive. In such matters the States concerned would reserve the right of concurrent or supplementary legislation not at variance with or repugnant to Federal Legislation. In case of repugnancy Federal Legislation shall prevail.

(b) Where subjects are federal for "policy and legislation" only, the expression "policy" will have to be carefully considered.

(c) Proposal 128. This clause admits of certain federal functions to be performed through the agency of the State authorities, subject to the Governor-General being satisfied "by inspection or otherwise" that "an adequate standard of administration is maintained." It is felt that it should be made clear that the *inspection* contemplated would be *confined* to the subject and the purpose for which the States concerned might agree to act—*individually or collectively*—on behalf of the Federal Government.

F. Financial Powers and Relations.

Proposals 136, 139, 141 and 142. The Standing Committee of the Chamber of Princes has carefully considered the proposals relating to federal finance embodied in the White Paper. Their view is that the matter requires further examination and that no direct tax shall be imposed by the Federal Government within the States.

G. Judicature.

(a) Proposal 156. This proposal deals with the appellate jurisdiction of the Federal Courts in certain matters, over State Courts. The exact nature and extent of this jurisdiction will require care-

ful examination. In this connection it is suggested that the acceding States should be given the option either of adopting the procedure specified in Proposals 156 and 157 of the White Paper, or of making it *obligatory* on the State Court concerned to refer all such questions, *for opinion*, to the Federal Court, and to give its decision on the point referred, in accordance with the opinion of the Federal Court.

(b) Proposal 158. Deals with appeals to the King in Council. It is assumed that this will be subject to a suitable formula being devised which will preserve the sovereignty of the Federating States.

(c) Proposals 160 and 162. These clauses deal with the grant of remedies and issue of processes by the Federal Court. It seems that under Proposal 155 the Federal Court may grant a remedy against a State Government, while under Proposal 160 all authorities, *civil and judicial*, within the territories of the State concerned will be bound to recognise and *enforce* in such a case, the process and judgment of the Federal Court, against the Government of the State concerned. This would lead to obvious administrative difficulties and anomalies and would seriously interfere with the integrity and internal sovereignty of the States. It seems desirable to provide that in the case of judgment against a federating State, the remedy shall be sought only from the Government of the State concerned. In the case of a State failing to execute the judgment of the Federal Court within a reasonable time the authority of the Viceroy could be invoked.

H. General.

(a) INSTRUMENT OF ACCESSION. It is understood that these treaties would be outside the orbit of parliamentary or federal legislation and could only be altered with the free consent of the parties concerned.

(b) ALLOCATION OF SEATS AMONGST THE STATES. Paragraph 19 of the introduction to the White Paper deals with the question of allocation of seats in Federal Houses amongst the States. This question is at present under discussion between His Majesty's Government and the Princes. The States naturally attach very great importance to a satisfactory solution of the question and the accession of many States to Federation depends upon it. It is hoped that in this matter

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the views of the Chamber of Princes will receive the consideration which they deserve.

(c) INVIOABILITY OF TREATIES. It is felt that the Constitution should specifically provide that all treaties, engagements or sanads with the States will continue inviolate and inviolable unless amended or altered by the free consent of the parties concerned. It may be pointed out that Section 132 of the present Government of India Act contains the following clause: "All treaties made by the East India Company *in so far as they are in force at the commencement of this Act* are binding on His Majesty." The italicised portion of this Section did not appear in the relevant Section of the earlier Government of India Acts, and has been inserted without any reference to the Princes. It is accordingly desired that if a similar provision is intended to be incorporated in the new constitution, the italicised portion may be either deleted or defined so as to mean only those portions of the existing treaties which, by mutual consent of the parties concerned, have ceased to be in force.

APPENDIX A.

SAFEGUARDS COVERED, DIRECTLY OR INDIRECTLY, BY THE WHITE PAPER.

1. The sovereignty and autonomy of the States shall be fully respected and guaranteed and there shall be no interference direct or indirect with the internal affairs of the States.

2. Federation shall be confined to subjects mutually agreed upon, and no addition to these will be permissible without the free consent of the State concerned. All residuary powers shall remain with the States.

3. No change in the Constitution shall be permissible without the free consent

of the parties concerned, except in regard to minor details which may be agreed upon in a less rigid manner to facilitate the day to day workings of the Constitution.

4. The Viceroy will have the power to disallow any Bill or veto any Act which may adversely affect the rights recognised by Treaty or otherwise of any State or States. The Viceroy will also have power to disallow or arrest any executive act of the Federation which may have similar tendencies.

5. The States must have at least 40 per cent. representation in the Upper House and 33½ per cent. in the Lower House. The system and method by which their representative will be chosen must be a purely State concern and no interference of any kind by Federation shall be permitted.

6. The States will enter Federation by means of Treaties made with the Crown for the purpose of Federation.

7. The position of States and British India as partners in Federation shall be that of equal partners—there shall be no question of one partner being directly or indirectly subordinate to the other.

8. India shall remain an integral part of the Empire.

9. Federal Court shall derive its authority from the Crown as well as from the Rulers of each Federating State.

2297. After consultation with you, I understand Mr. Kak, that it is agreeable to you that you should speak to the Memorandum which has been put in on behalf of the Government of His Highness The Maharajah of Jammu and Kashmir at the same time?—(Mr. Kak.)—Yes.

2298. The number of the Memorandum being 25?—Yes. It is as follows:

MEMORANDUM 25. FROM HIS HIGHNESS' GOVERNMENT, OF JAMMU AND KASHMIR.

His Highness the Maharaja of Jammu and Kashmir was, as is well known, one of the original supporters of the idea of Federation in India when it was first seriously put forward as a solution to the difficult Indian problem in 1930. Since then the question has been carefully considered by all parties concerned, with the result that we see before us in the proposals contained in the White Paper. So far as the Indian States are concerned, the White Paper does not

meet their wishes in all respects, and the Princes generally have notified their desire that certain omissions must be filled in, and certain proposals modified before they can definitely declare whether they will join the proposed Federation or not. The situation is complicated by the fact that the Proposals made in the White Paper are subject to alteration in detail, and possibly in principle, before their acceptance by Parliament. That being so, it is difficult for a

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representative of any State to say with certainty at this stage whether his State will join the Federation.

Assuming, however, that ultimately the recommendations of the White Paper are accepted in substance, the Government of His Highness the Maharaja of Jammu and Kashmir desire to propose certain modifications and to make certain suggestions which, in their view, are essential before the scheme can be considered to be generally acceptable. These are as follows:—

I. The Federal Government should, in no circumstances, be authorised to impose a direct tax or levy in Indian States. If, on the occurrence of an emergency, the resources of the Federal Government are so low as to make it impossible for them to meet the situation, it should not be difficult to devise means by which the States could make a contribution to the Federal fisc on an equitable basis without undertaking liability for direct taxation. With regard to the specific question of the imposition of the Corporation Tax in the States, His Highness' Government are definitely of opinion that the Federal Government should not be empowered to levy such a tax in the States. His Highness' Government are aware that the representatives of some States did, at the Third Round Table Conference, express their willingness to shoulder the burden of the Corporation Tax, or in the alternative, to pay to the Federal Government a sum equivalent to the estimated value of the Corporation Tax. His Highness' Government are opposed to the imposition of a Corporation Tax in any shape or form, direct or indirect. They think, further, that the yield of the Tax will be comparatively small, and will not materially affect the Federal Budget.

It does not, of course, follow that the States will not, in any circumstances whatever impose Corporation Tax; all that is intended is that they should be at liberty to do so or not to do so as they choose; and in case they decide to impose such a tax the profits should go to the State Treasury.

The unwillingness of His Highness' Government to agree to the Federalisation of the Corporation Tax and to the imposition of direct taxation in the States is based purely on grounds of principle, and not with the object of evading responsibility, as can easily be demonstrated. For instance, they are

and have for many years been incurring heavy expenditure averaging nearly 50 lakhs of rupees annually (that is almost 20 per cent. of their gross revenue) on the maintenance of their troops, which form, for purposes of Imperial defence, an integral part of the Indian Army. Owing to the peculiar geographical position of the country, the Kashmir State forces stand in a class apart, as they are all "A" class troops, and that part of them which is detached for service on the Gilgit frontier, which is also the Imperial frontier, lives throughout the year under conditions of active field service.

II. In addition to the Instrument of Instructions which the Governor-General of the new Federation will receive on appointment, he should receive a further Instrument of Instructions in his capacity as Viceroy, in which it should be specifically stated that it will be his duty as representative of the King-Emperor, to ensure that proper respect is paid to the existing Treaties, Engagements, and Sanads of the States. This is essential to safeguard the rights and interests of the States when they enter the Federation.

III. As regards the strength of the Upper House, it has been agreed that the States' share should be 40 per cent. of the total. In paragraph 26, page 36 of the Proposals, it is, however, stated that the strength of the Upper House will consist of 260 members, of whom 150 will be elected from British India, and not more than 100 will be appointed by the Rulers of the States, and not more than 10 (who shall not be officials) will be nominated by the Governor-General in his discretion. To ensure that the States receive their 40 per cent. it is necessary that out of the 10 persons to be nominated by the Governor-General four should be from the States. But as nominations direct by the Governor-General of State subjects to the Federal Legislature would probably give rise to complications, it is suggested that such nominations should take place in consultation with the Ruler concerned, and that the Governor-General should see that all the large States, where persons of the "elder statesmen" type are available, are represented, by turns, in this selection. It might perhaps be useful to ask the Rulers of Non-Chamber States and the Chamber of Princes to suggest names of suitable persons from amongst whom selection could be made. Another

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alternative would be to raise the strength of the Upper House to 266, in which case the States would receive 106, and British India 160, including 10 to be nominated by the Governor-General.

IV. In the case of the Oath to be prescribed for a representative of a State in the Federal Legislature, it is suggested that the terms "His Heirs and Successors" should be added after the name of the Ruler as has been done after that of His Majesty.

V. In paragraph 41, page 38, it is laid down that in a Joint Session of the two Houses a simple majority in favour of a measure would enable it to pass. It is suggested that it would be very much in the interest of stable Government in India if instead of a simple majority in a joint session a two-thirds majority were made compulsory. In any case, from the particular point of view of the States which will be in a permanent minority in both Houses, it is necessary that in respect of measures affecting the States, and in cases where the ultimate effect would be the dissolution of a Ministry, unless such a measure is of an exclusively British Indian character, they should not be considered to have passed unless they receive the support of two-thirds of the members present at the Joint Session. There is little fear of the States taking undue advantage of this provision, as in actual practice it is expected that the occasions will be few where the States will vote as a block, because in matters in which the States will federate with British India the questions involved will primarily be of an economic character. Each State will therefore naturally vote as its economic interests demand, and it is quite possible that the economic interests of one State may be at variance with those of other States, and similar to those of neighbouring British Provinces. But it is necessary to have a provision of this character incorporated in the constitution to safeguard the common interests of the State.

VI. On page 42, paragraph 52, it is stated that the "Governor-General will be empowered at his discretion, after consultation with the President or the Speaker, as the case may be, to make rules prohibiting the discussion of or the asking of questions on matters connected with any Indian State, other than matters accepted by the Ruler of the State in his Instrument of Accession as being Federal Subjects." His Highness' Government hold the view that no ques-

tions should be allowed in the Federal Legislature regarding matters which pertain exclusively to States.

VII. Paragraph 111, page 56. In cases in which the Government of a State enjoys the right of administration of a Federal subject, it should also have power of concurrent legislation provided such legislation is not in conflict with the Federal law. In case of conflict the Federal law will prevail.

VIII. In paragraph 128, page 60, it is proposed that the "Governor-General shall be entitled, by inspection or otherwise," to satisfy himself that an adequate standard of administration is maintained in the States. In order to ensure the smooth working of the administrative relations between the Federal Government and the State Governments in respect of Federal matters it is necessary to delete the word "otherwise" and to lay down that "inspection" should not go beyond the matters which directly affect the question at issue.

IX. It is assumed that in judicial matters the procedure contemplated will be (a) That certain specified State Courts will be invested with Powers to try cases under the Federal Laws. (b) The jurisdiction of the Federal Court over State Courts will be limited only to questions arising out of the constitution or relating to the interpretation of Federal Laws at issue before the State Courts. The State Court should refer the particular point at issue to the Federal Court for opinion, and should give the decision on the points referred, in accordance with the opinion of the Federal Court. (c) Paragraph 160, page 66. In cases where the Government of a State, as represented by a particular Department of the State, is a party, and the Federal Court grants a decree against the State Department, action should not be taken through the subordinate Courts or subordinate officials of the State, but through the State Government concerned, inviting them to take suitable steps in the matter. By this means the unpleasantness which would otherwise be inevitable, would be avoided. There should be no difficulty in doing this, as in the somewhat analogous case of giving effect to Federal Laws the duty of seeing that these laws are carried into effect in the States has been laid upon the Ruler of each State.

X. The list of Federal and Central subjects needs careful scrutiny, and the

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time has now arrived for a declaration to be made regarding the number and nature of subjects which may be considered necessary to enable the States to join the Federation.

XI. His Highness' Government assume that the existing Customs arrangements which are based on the Commercial Treaty of 1870 between the Government of India and His Highness' Government, will continue in their present form, unless modified by previous mutual consent.

XII. The existing Treaties, Engagements, etc., will continue to remain binding on the Crown and the States, except to the extent they are modified by the Instruments of Accession, and these latter will not be subject to modification or revision by any authority except with the previous consent of the States.

XIII. With regard to the administration of the Reserved Departments, the Federal Executive authorities, e.g., the Governor-General and the Secretary of State, will exercise such powers as the Constitution will provide, subject, in relation to the States, to the provisions of the existing Treaties, Engagements, etc.

XIV. There is one other matter about which His Highness' Government would like to feel assured before deciding whether they would join the Federation, viz., that of representation in the Federal Legislature, but as this question is not being dealt with by the Joint Select Committee, it does not appear necessary to make any special reference to it in this Memorandum.

2299. Have you gentlemen arranged at all amongst yourselves as to who is to speak to particular subjects. Perhaps you would tell us?—(Mir *Maqbool Mahmood*.) Yes, my Lord. With regard to Memorandum 21 on behalf of the Chamber of Princes, Dr. Sen will deal with Item G, regarding Judicature. Mr. Panikkar will deal with Items E and F of the Memorandum. Other Items will be dealt with by me.

2300. Should any of you dissent from the answer of any other to any questions put to you to-day, perhaps, you would let us know?—Yes.

2301. Do any of you desire to say anything in amplification of the Memoranda which you have put in?—No, my Lord, not at this stage.

2302. Turning to Memorandum No. 21 and to Section A, I understand that some of those whom you represent suggest that there should be set up a Confederation of those States that are prepared to enter the new Constitution? Is that so?—They only desire an enabling clause, that it may be open for such States as may so desire to pool their quota of votes and select joint representatives.

Sir *Samuel Hoare*.

2303. Could I just follow up your question, my Lord Chairman? It is a very important one. Do I understand that, in practice, that would mean that the States would have whatever organisation they desire outside the Constitution Act, and that that would be an internal affair of their own?—That is so.

2304. But in the Constitution Act somewhere they would like a provision that would enable such States as desire to pool their seats for the purposes of representation?—That is so.

Chairman.

2305. Then in Section D (b) you are suggesting that there should be provided a special weightage for the representation of States in the event of a bare minimum, as defined in the White Paper electing at the outset of the scheme to federate?—Yes.

2306. Can you expand that a little? What precise provision do you suggest might be made to that end?—We have, as an illustration, two alternatives which strike us at this stage, but the final settlement of this question, after the principle has been accepted by this Committee, we would suggest might be referred to His Excellency the Viceroy to settle in consultation with the Indian Rulers concerned. The easiest method of augmenting States' votes which strikes us, is this: That assuming in the beginning only so many States join, that they can exercise 50 votes out of 100 reserved for them in the Upper House, then every State vote shall count as 100 over 50, both for and against. If their number increases to 60, every State vote shall count as 100 over 60. Similarly, in the Lower House; similarly in the Joint Session. This is the broad outline of our suggestion. The other suggestion is that on some equitable basis with due regard to regional Economic and other affinities, the votes of non-acceding States may be given over to the acceding States, and

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as non-acceding States come in those votes will be surrendered by the States already acceded. These are only illustrations.

Marquess of Salisbury.

2307. Those, I understand, are different methods of achieving the same end?—Yes. There may be other methods besides. All we suggest to the Committee at this stage is that the principle be recognised and the exact working out of it be left for later consideration in consultation with the Rulers concerned.

2308. The principle being that however many States adhere above the minimum, the voting strength of the States in the Legislature should be the same?—That is so. 40 per cent. of the total Upper House and one-third of the total Lower House.

Lord Rankeillour.

2309. I want to ask one or two questions. Might I ask you to turn to Section F of No. 21. You say there that no direct tax should be imposed by the Federal Government within the States?—(Mr. Panikkar.) That is so.

2310. If you give over certain powers and responsibilities to the Federal Government, that would, to some extent, relieve your own expenses, would it not, obviously?—Not of the subjects which are now handed over, because in most of those cases the administration already belongs to the Central Government of British India. Most of the subjects which you have now federated are under the administration of the Government of India to-day; so that except when administration is now with the States, the States themselves do not have any expenditure. Therefore, we are not saving any money by handing over these subjects to the Federal Government.

2311. Surely, there would be some subjects which you would be handing over which would relieve you of the burden and the responsibility and at the same time of the expense, would there not?—Very little.

2312. Then let me ask you this. I understand you are prepared to make a contribution to the common expenses of the Federation?—Undoubtedly.

2313. But not by way of direct taxation?—Not by way of direct taxation. That is to say, we do not desire that the Federal Government either directly to assess or directly to collect taxes from our subjects.

2314. But if you have to make a contribution and you do not make it by direct taxation, how would you propose to make it?—By the indirect taxes which will be entirely in the control of the Federal Government.

2315. But who would collect these taxes?—The indirect taxes will be collected mainly by the Federal Government, and in other cases, such as Customs administration in the States, by the States and handed over to the Federal Government, if so agreed.

2316. But some of these indirect taxes would require Federal Excise Officers within the States, would they not?—The administration of British-Indian Excise in this case at the present time is not by British-Indian Officers direct, and there is no reason why that procedure should not be continued.

2317. Do I understand, therefore, that you would collect the indirect taxation necessary for Federal purposes by your own Officers?—By the State Officers themselves.

2318. And pay over the proceeds to the Central Government?—That is so.

2319. I wanted to be clear on that. Now just one other matter. There has been controversy raised as to the voting powers of the nominees of the nominated members of a State in the Legislature. I suppose you would say that there were certain subjects which, on the face of them, affected British-India only, but which would have a reaction upon the policy of the States?—(Mir Maqbool Mahmood.) Yes.

2320. Such questions as quarantine, in a Province bordering on a State?—That is so.

2321. And you would wish to have the power of voting on such questions as that?—On such questions which directly or indirectly affect the Indian States.

2322. Now may I turn for a moment to No. 25, Head X: "The list of Federal and Central subjects needs careful scrutiny, and the time has now arrived for a declaration to be made regarding the number and nature of subjects which may be considered necessary to enable the States to join the Federation." I suppose the States have not, in any sense, arrived among themselves at the minimum number of subjects that they would be willing to make over to the Federation?—(Mr. Kak.) Not so far as Kashmir is concerned, because this Memorandum deals with the point of

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view of the Kashmir Government only, and so far as the Kashmir Government is concerned, we have not yet come to a conclusion; we wait until such a list is made available and we shall then see what subjects should be made over to the Federation.

2323. At the present time, there is no common agreement amongst the States as to the minimum powers or responsibilities that they would be willing to hand over?—None so far.

Sir Reginald Craddock.

2324. I only want to know with regard to the Kathiawar States whether you are authorised to say anything on behalf of the Kathiawar States?—(Mir Maqbool Mahmood.) The Kathiawar States in the Chamber sessions were party to the resolutions on the basis of which this Memorandum that is being put up. Some States have their individual opinions and differences, but the Memorandum submitted represents the collective expression of opinion of the Chamber of Princes at this stage, subject to the right of individual States to accept or reject the picture when the completed Constitution is presented.

2325. Another question I would like to ask is, would the States object to Federal Inspectors inspecting the work inside the States, say the Excise collections?—It all depends on what subjects. If it is with regard to the Federal subjects, and it is under conditions contemplated in the negotiations so far, they, on the whole, will not object. Even now, some of these Services like Post Offices and Railways in the Indian States, under certain conditions are liable to inspections of the Officers of the Central Government, but it will, of course, be under the conditions that will be laid down in the Treaties of Accession.

Lord Eustace Percy.

2326. May I just try to bring out your full views about F of Document No. 21, Financial Powers and Relations. You have drawn a distinction between taxes directly collected by Federal and taxes collected by your Officers and the proceeds handed over to the Federation, but there is no reason why Income Tax should not be collected equally by State Officers and handed over to the Federation?—(Mr. Panikkar.) No, we make

two distinctions; a direct tax, and a tax directly collected. We object to a direct tax of any kind.

2327. What do you call a direct tax?—A tax which falls upon the persons from whom the money is collected.

2328. I asked the question, because that particular phraseology has led to more litigation under the American Constitution than any other words in any Constitution in the world. You do mean by direct taxation mainly and almost exclusively?—Mainly that. Not merely Income Tax but even a tax like Land Tax is a direct tax. But here what we have in view is proposals like Corporation Tax and Income Tax, such as have been proposed.

2329. But the Corporation Tax is emphatically not a tax levied on any individual?—That is why we say directly assessed or directly collected; that is why I said we make two distinctions.

2330. But there is no reason why a Corporation Tax should not be collected by the Officers of the State, and it is not a direct tax?—But who assesses it?

2331. So your objection is to any tax which involves the assessment?—Direct assessment by the Federal Government, or direct collection by the Federal Officers.

2332. Then your objection to this taxation is purely based upon administrative grounds?—It is based on the ground that it is bringing into the States a third party to which the people of the State and organisations of the State would have to look.

2333. In other words, you would not object to the collection at the source of income payable to residents of States?—That is being done to-day if it is in British India.

2334. But I think there is a right of refund?—Yes.

2335. But you would be prepared to waive that right of refund?—That is a matter that will have to be considered.

Mr. Y. Thombare.

2336. In referring to the allocation of seats in Federal Houses amongst the States, you say that it is hoped that the views of the Chamber of Princes will receive the consideration which they deserve?—(Mir Maqbool Mahmood.) Yes.

2337. You would agree with me that the Committee should know those views?—If the Committee so desires, but it is given in paragraph 19 of the introduc-

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tion to the White Paper. The allocation of seats among States is under negotiation between His Majesty's Government and the Indian Rulers concerned. Therefore, in our view, this question need not be raised here.

2338. I do not wish to go into the allocation, but it is a question to which the States attach great importance?—Certainly.

2339. You also wish that the Committee should give to this question the consideration it deserves. How can they do so unless the Committee are in possession of the views of the Princes?—I am afraid there is some misunderstanding. It is never stated that it is hoped that the Committee will give the matter the consideration it deserves. It is stated that His Majesty's Government is considering it; and the sentence is: "It is hoped that in this matter the views of the Chamber of Princes will receive the consideration which they deserve."

2340. Very well; I will leave that. Referring to the White Paper, paragraph 19 of the Introduction, it has been proposed in that paragraph that the detailed allocation of seats should be based on the rank and importance of the State as indicated by the dynastic salute and other factors?—Yes.

2341. Is it not a fact that nearly all constitutions of Federal States both ancient and modern provide for a representative body of the component States in which all representatives have equal voting strength, in spite of sometimes very considerable differences in the size of the States concerned?—In which House—in the Upper or the Lower House?

2342. In the Upper House?—Yes; in most Federal Constitutions.

2343. And especially in the Federal States of the British Empire, excepting Canada?—Yes. In Australia it is so.

2344. Is it not a fact that His Highness the Chancellor of the Chamber of Princes and His Highness the Maharajah of Bikaner took up a firm stand for the principle of equality of representation in the Upper Federal Chamber for all States, with the possible exception of Hyderabad—States which are, or may in future, become Members of the Chamber of Princes?—Yes.

2345. And did not the Chamber of Princes adopt the principle as a *sine qua non* of their entry into Federation?—What principle. The principle of equality of individual representation?

2346. Yes, equality of representation?—No, not so far as I am aware.

2347. You mean that the Chamber of Princes, or the Princes at their informal meeting, did not adopt a resolution favouring the principle of equality of representation of the States?—The principle of individual representation in the Legislature, that is both the Houses taken together, not the principle of equality of all the States. That is my reading of that resolution, but I have no specific instructions on this point.

2348. Then I shall leave it. You know that His Highness of Bhopal voiced the feeling of the Chamber of Princes regarding individual representation of States which are Members of the Chamber in their own right, in the Council Chamber during the discussions of the Round Table Conference?—Yes.

2349. Are you aware that Sir Manubhai Mehta also has been one of the strongest exponents of this principle?—Yes.

2350. Is not one of the greatest difficulties in the way of giving effect to the principle the fact that equality of representation cannot be achieved with the strength of the Upper Chamber proposed in the White Paper?—I am afraid there is again a confusion between equality of representation and individual representation.

2351. So the difficulty in the way of securing individual representation is the fact that the strength as proposed is too small?—Yes, but it is not impossible even with the available figures to reconcile, as I understand, the principle of individual representation of the Chamber States and the legitimate claims for high representation of the more important States.

2352. You are perhaps not going to lay your views in this respect just now before this Committee?—I would not like to, unless I am forced.

2353. Would you be able to explain the method of reconciliation?—The method of reconciliation of what?

2354. The method of reconciliation of the claims of the larger States with the claims for individual representation of the other States?—My instructions are that the details of that need not be raised at this Committee unless the Committee insist.

2355. I do not want to force you to do that?—Because the matter is already under consideration between His Majesty's Government and the Indian Rulers' representatives.

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2356. The number for the Upper House has now been raised to 260?—Yes.

2357. Does not the raising of the number to this figure give rise to the impression that the intention of keeping it as small as possible is no longer prominent?—I think that question had better be addressed to those who raised the figure from 250 to 260.

2358. Very well. Do not you believe that the larger the Upper Chamber, the more it would favour effect being given to equality, as it would make it possible to give a still greater number of small States a full individual vote and would, moreover, lessen the application of the grouping system to the smaller States, and at the same time permit of a larger proportion of dual votes?—As an abstract question, yes, subject to limitations of the House being able to work efficiently and the Constitution not being too unwieldy.

2359. The White Paper proposals for the allocation of seats among the States in the case of the Upper Chamber are based on the rank and importance of the State as indicated by its dynastic salute and other factors. Have not a number of States grievances as to the inadequacy of their present salutes, and is it or is it not a fact that the salute list, as it stands, is anomalous?—I should not like to answer that question at this stage. As I have submitted, this question of the allocation of seats among States is under private negotiation between His Majesty's Government and the Indian Rulers, including His Highness the Chancellor of the Standing Committee. I would not like in any way to make difficulties in the way of those who are trying to secure a satisfactory and workable solution of this question.

Lord Rankeillour.] Negotiation where?

Sir Samuel Hoare.] May I intervene, without interrupting the witness, to explain the position? As far as I remember, at each of the Round Table Conferences the view was held that, having settled the number of seats, the actual grouping of those seats between one State and another was essentially an internal matter for the States themselves, and we all took the view, I think quite unanimously at each Round Table Conference, that if an agreement could be reached between the States themselves, that was in every way preferable to any attempt to dictate terms upon them from outside. The representatives, as far as I remember, of all the States agreed to

that view, and it is always in the minds of all of us, I think, that an agreement of that kind would be much the best. If an agreement of that kind could not be reached, then some outside authority (His Highness of Bikaner, I remember, suggested some kind of impartial tribunal; other people suggested His Majesty's Government, and so on), must intervene; but at the moment I would suggest to all Members of the Committee that it is much better to give the Princes and the Viceroy the opportunity of coming to an internal agreement between the States, rather than that we here should at this stage attempt to dictate terms.

Nawab Sir Liaqat Hayat-Khan.] I entirely support that view.

Mr. Y. Thombare.] In that case I ask no more questions.

Sir Akbar Hydari.] I also want to associate myself with what the Secretary of State has said on this question, and although States like mine do not hold the same views as those of the witnesses who appear on behalf of the Chamber of Princes. I do not want that those discussions should come up here at present.

Rao Bahadur Sir Krishnama Chari.] May I also express my agreement with Sir Akbar Hydari?

Mr. Zafrulla Khan.] Shall we assume that that is the view supported by all the States?

Mr. Y. Thombare.] I agree. I have no more questions.

Sir P. Pattani.] I absolutely agree with the views expressed by the Secretary of State and endorse those of the other Members; but if that is the view, namely, that the States and the British Government will decide this question in the event of the absence of agreement amongst themselves, I think it would have been much wiser not to have mentioned the principle on which this allocation of seats by the Government and the Princes should be decided, namely, it should not have been mentioned that consideration will be first given to the salutes because salutes will introduce an element of patronage. Besides, salutes were fixed in olden days when the East India Company and afterwards the Government of India were stabilizing their influence, and whoever came into alliance with the Government got more salutes in the beginning than those who came in later on. Therefore, I do request that consideration should be given to this

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point, that salutes should not be the main item of consideration, but one of the items of consideration, and, if I may suggest and press it, it should be the last item of consideration, because population and revenue should form, in the first instance, the great considerations for the allocation of seats. I do not say that salutes should be absolutely dropped, but that salutes should not be the main consideration, but only one of the considerations, and, if I may say so, they should be one of the minor considerations; because supposing that two years afterwards a State gets two guns more, where is a new seat to be found for it, unless you put it down now that what is decided to-day is not going to be changed no matter how many States get guns in future? That is all I have to say, but I entirely agree that this is a matter of great importance, and unless the States come to an agreement among themselves, it is for the Government and the States together to come to a conclusion upon it. There I entirely agree.

Sir Manubhai N. Mehta.] I reserve the right to examine my own witnesses. I do not propose at this stage to put any more questions.

Nawab Sir Liaqat Hayat-Khan.] The same is my position.

Begum Shah Nawaz.

2360. You are aware that many of our prominent women workers, like the Ranee Rajwade, Mrs. Sarojini Naidu and Mrs. Rustumji Faridoonje, are residents of Indian States? Is there any possibility of any women being nominated by their Highnesses to represent the States?—I am most confident that if in the Indian States we have gifted ladies like our distinguished delegate here, their Highnesses would consider most sympathetically the question of nominating them to represent them.

2361. Would their Highnesses have any objection to a provision of a general character being made in the Statute, shall we say, that out of the 125 members of the Lower Chamber at least four or five should be women, and the same with the Upper Chamber?—There would be obvious difficulties in that. One is that these 125 seats are to be distributed to so many hundred States, and therefore it would be impossible to specify as such how many should go to the ladies. Secondly, that their Highnesses have from the very beginning

made it clear that the question of the selection of their representatives is a question for their Highnesses or for the States themselves, and therefore this question can best be considered by the Governments concerned and not through special provisions.

Sardar Buta Singh.

2362. Mir Maqbool Mahmood, can you tell us more clearly what this confederation means?—Yes. So far as the States have visualised it confederation has two aspects; one the electoral college aspect, the other the party aspect. In the beginning, as you are aware, confederation was cited as a principle opposed to federation. That is not the position now visualised as the confederation which is supported by the Chamber of Princes. The confederation now provided is on an optional basis. It is not opposed to federation. It is only provided as a measure for making it easy for certain States to accede to federation who have definitely stated that they would hesitate to come in otherwise. It may also be pertinent on this question to submit that on this basis it shall be open to such States as may so desire to come in collectively in participating in the Federal machinery; this confederation idea has the unanimous support of the Standing Committee of the Chamber of Princes, and even of some of the bigger States who have at times differed on certain questions from the Chamber of Princes. On an optional basis it is the unanimous opinion. The electoral college aspect of the confederation would only provide, as I submitted some time back, that those States which may so desire will pool their allocated quota of seats together and select joint representatives, and this aspect of the question was also mentioned in his recent inaugural address by His Excellency the Viceroy, to the Chamber of Princes, because he felt there was strong opinion amongst the Princes on this question. It is only this aspect of confederation which is intended to be provided in some form or other in the Constitution. Just as it would be stated that with regard to British India a certain number of seats will be filled by the Punjab, certain others by other Provinces, and certain others by other constituencies. Similarly, in the case of the Indian States it is proposed that a Schedule might state what quota of seats

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are going to be given to the individual States, and it might be made clear at the foot that such States as may so desire may pool their quota and appoint joint representatives and send them on such terms as may be agreed. The other is the party aspect of confederation which has obvious advantages and need not be dilated upon except on one or two points. It is obvious that the States cannot effectively contribute stability, which is expected to be their share in the Constitution, unless they pull their weight on important questions together. Confederation will effect that. Secondly it is obvious that the success of the Federal experiment will primarily depend on eliminating, as far as possible, chances of misunderstanding and friction between the Indian rulers and the British India representatives. If we do not have some such scheme of confederation the individual representatives of the States will come with instructions from their rulers, obviously. Maybe in many States in the beginning there will not be sufficient experience to give the requisite instructions, and when those instructions are given they could not anticipate the possible developments that will take place on the Floor of the House. The result will be that there will be very little chance of workable compromises and exchange of views between British India representatives and Indian State representatives. On the other hand, on any questions in which the States take part in all honesty, against certain popular measures, at once in the Press articles will start and a campaign will be started against the rulers concerned who are supposed to give the instructions. We can avoid all that by bringing in the idea of confederation. It will not work as such against British India, but it is intended to be a collective organisation to keep the States together, and to arrange for exchange of views between the British Indian representatives and the Indian States representatives.

Mr. M. R. Jayaker.

2363. I understand all you have said. Do you not think that there is a danger of the States gradually crystallising into one bloc, and depriving themselves of the freedom of voting on the Floor of the House on the questions which come up?—On the assumption that the confederation will allow no latitude for voting on questions which might have an economic basis.

2364. Will it leave that latitude?—Yes.

Sardar Buta Singh.

2365. Can you name some of the States which have not joined the Chamber of Princes, and which are prepared to join this Confederation?—I am afraid it is rather a difficult question for me to follow, because, as far as I am aware, constitutionally the position is that every important full-power State, and every State which has an eleven-gun salute is a member of the Chamber of Princes whether they work with it or not.

2366. Those who do not work with the Chamber of Princes I mean to say?—If the Sardar means some of the important States like Hyderabad, Mysore and Baroda, who have sometimes not seen eye to eye with the Chamber of Princes, I can say that even they do not object to confederation on an optional basis. If the Sardar wants to know the more important States in the Chamber who favour this idea of confederation, out of 11 Members of the Standing Committee, His Highness of Alwar is more or less independent, and out of the other 10 members six favour confederation definitely, and four do not oppose it on this optional basis.

2367. In paragraph B you refer to certain negotiations. Could you enlighten us a little more in detail as to the trend of those negotiations?—I would beg that this question may not be pressed because those questions refer to the delicate question of paramountcy about which His Majesty's Government and Indian rulers are in negotiation, and since they do not come directly or indirectly within the orbit of the Federal Constitution I would beg that that question be not pressed.

Mr. Zafrulla Khan.] My Lord Chairman, do I understand correctly that both Documents No. 21 and No. 25 are under consideration?

Chairman.] The answer is yes, I understand.

Mr. Zafrulla Khan.

2368. In that event, I would wish to put one or two questions to Mr. Kak, the representative of Kashmir, before I put questions on the general Memorandum. Mr. Kak, you say, in paragraph 2 of your Memorandum, that the Government of His Highness the Maharajah of Jammu and Kashmir wish to make certain suggestions which in their view are essential before the scheme can be considered to be generally acceptable, and

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then you proceed to make them?—(Mr. Kak.) Yes.

2369. Do I understand from this, that if the White Paper is not modified in the direction you suggest, Kashmir would not be prepared to come into the Federation?—That is a question which will be considered when such a situation arises.

2370. I put that question in view of the expression used by you, "essential," before you could decide?—The intention of this paragraph is this, that we accept the scheme outlined in the White Paper as workable, and acceptable from the point of view of Kashmir, provided certain modifications made herein are accepted. Otherwise, if the scheme undergoes any substantial modification, in that case our views, including the suggestions made here, will require reconsideration.

2371. Now with regard to the proposals in paragraph 1 of your Memorandum, the question of Direct Taxation is a general question, and I will ask upon that from the other representatives, but you say: "With regard to the specific question of the imposition of the Corporation tax in the States, His Highness's Government are definitely of opinion that the Federal Government should not be empowered to levy such a tax in the States," and then towards the end of the paragraph you go on to say: "His Highness's Government are opposed to the imposition of a Corporation tax in any shape or form, direct or indirect." Now I want to ask you this: You are aware that the proposal is that with regard to the Corporation tax, when it is imposed upon the States, the option would be left to each individual State, either to let it be levied on the Corporations in every State or to pay the sum that would be payable to the Federal Government out of its own Treasury, and then proceed to levy a corresponding tax. Would you have any objection to the latter proposal?—Yes; that is what is meant by "in any shape or form, direct or indirect."

2372. Now if the scheme which is eventually accepted of Federal Finance, does contain this proposal with regard to the Corporation tax in the form in which it is at present proposed, what would be the attitude of the Kashmir Durbar. Would they then be able to reconcile themselves to come in with the Federation or not?—Probably not.

2373. Now, my Lord Chairman, with your permission, I will proceed to put

some questions on general matters. Under the Heading D, sub-paragraph (b) of the General Memorandum, Document 21. It is said: "Moreover, it would reduce the voting power of that essential element which is expected to lend stability to the Constitution." Could Mir Maqbool Mahmood briefly inform the Committee what would be the peculiar stabilising influence of that element?—(Mir Maqbool Mahmood.) I speak, Sir, with due deference. I have had the privilege of being a colleague of the learned Delegates in the Punjab Legislative Council, and I am sure he will bear with me that, with the best of us and with the worst of us, the exercise of responsibility brings in an outlook of responsibility. The representatives from the States will mostly be those who have had the experience of responsibility of the running of Governments, and, moreover, they will, on the whole, have been associated with administration, and, therefore, they will be free from that communal outlook, which, unfortunately, comes under conditions when you are not saddled with responsibility.

2374. So far as experience is concerned, does not Mir Maqbool Mahmood agree that the Provinces will be able to supply at least as much experience of administration, certainly more experience of representative institutions, than the States will be able to supply?—With due deference, I am one of those who hold that the experience of the Legislature does not necessarily make you responsible unless you come in the administration. The experience of the Legislature certainly gradually teaches you discipline and Party organisation, but it need not, necessarily, develop administrative responsibility in every member of the Legislature. I agree that, so far as the Provinces are concerned, most of the members who will be returned will have greater experience of the running of the Legislative Councils or of the Legislative Assemblies, and, so far as the States are concerned, they will have better experience of the administrative side of their responsibilities, but with due deference, I would submit that, having regard to the list of Federal subjects which are more or less of a technical type, they will require more of the type of people who are experienced in dealing with technical questions rather than people who have merely legislative procedure knowledge.

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2375. Could Mir Maqbool Mahmood inform the Committee as to what proportion of the population of the Indian States, and what rough proportion of the proposed seats in the Upper Chamber is represented by the organisation which he has the honour to represent here?—The Chamber of Princes does not represent subjects of any State as such. It is the organisation of the Rulers of the Indian States. As the rules of the Chamber stand, it is an organisation of all the 109 members of the Chamber of Princes, which, by themselves, along with 12 representative members represent, it may be, 98.6 or 99 per cent. of the population of the Indian States. The 327 members who are outside only represent 22 point something of the population of the Indian States. Hyderabad is a member of the Chamber of Princes, but on certain questions that has not seen eye to eye with the Chamber.

Sir Akbar Hydari.] May I correct a statement that has been made?

Chairman.] If you please.

Sir Akbar Hydari.

2376. I think a distinction is to be drawn between two things. Hyderabad is entitled, of its own right, to be a member of the Chamber of Princes, but Hyderabad, along with some other States, has definitely stated that it will not be a member, and it has not got any voice in the selection of the Standing Committee of the Chamber of Princes, nor in the formulation of any views that are put forward on behalf of the Chamber of Princes. I want that to be made quite clear?—(Mr. Kak.) Speaking for Kashmir, I associate myself with Sir Akbar Hydari. (Mir Maqbool Mahmood.) May I illustrate this point a little further? The Chamber of Princes, as such, comprises two aspects, one, the formal Session of the Chamber of Princes, two, the informal meetings of the Princes, wherein most of the policies and points of view which we have to submit are worked out. In those meetings we have some of the more important States, including Hyderabad and Kashmir, at some stage or other affiliated and associated with our activities and with the views that are now put forward. With most of these views all the States, big and small, have expressed their general sympathy.

Mr. Zafarulla Khan.

2377. May I put the question in this way: Would you kindly inform the Committee what is the proportion of the population to the total population of the Indian States within the boundaries of the States whose views are contained in this Document No. 21?—I claim that the views in this Document are on behalf of the Chamber of Princes, and that some of the bigger States also with whom we have exchanged views, have expressed their general agreement with these views.

2378. I need not press this matter. It was with regard to the next question really. Could you inform the Committee at what stage those Princes whom you have the honour to represent will be in a position to come to some definite decision as to whether they are, or are not, finally willing to come into an All-India Federation?—Obviously they could not do so unless the new Constitution Act is available to them. They could then finally express their opinion one way or the other.

2379. And within what approximate time of the passing of the Act would that be possible?—That would depend upon what subject, what points, and what serious questions the Act contains. We would have to consider it.

2380. So you cannot give us any approximate date, even after the passing of the Act?—I do not think it will be long, but I could not definitely give a date.

Sir N. Sircar.

2381. Would a couple of years be sufficient?—It all depends; it may be shorter, it may be longer.

Sir Akbar Hydari.] I want to know exactly what has been the report with regard to the question and answer as to the attitude of States like Hyderabad over the Confederation. It is just possible that there may be some misunderstanding. The reply was given by Witnesses who do not represent my State, and the reply was with regard to a question in which the name of Hyderabad was mentioned. May I just make a brief statement with regard to that matter?

Chairman.] If you please.

Sir Akbar Hydari.

2382. I will just simply say with regard to Hyderabad that Hyderabad is not prepared to join in the Confederation of

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Indian States. It leaves it open to particular States to form any Confederation they like. (*Witness.*) What I stated was definitely this, that all the States, big and small, are agreed that the option be left to such States as may so desire to pool their votes and appoint joint representatives. I am sure if I gave an impression to Sir Akbar that I said that Hyderabad had expressed a desire to join the Confederation, he will take it from me that that was not my intention. I am sure he will support me in my statement that Hyderabad has no objection to this option being provided to such States as so desire.

Sir Akbar Hydari.] Yes.

Dr. Shafa' at Ahmed Khan.

2383. Would you kindly look at paragraph 3 of your Memorandum?—Yes.

2384. Am I right in concluding from what you have said there that the Indian States require an effective share in the Legislature, for two reasons, first because of their political importance and, secondly, because they will supply an element of stability to the Constitution. Am I right in concluding that from the paragraph?—Yes.

2385. There is no other reason?—We want a proportionate share because of our political importance, because of our being a component element of the Federation, and also because of our historic and political interests.

2386. How will you assess political importance?—I thought that was all assessed in the agreement which had already been reached by the Round Table Conferences, where the Princes accepted 40 per cent. in the Upper House and one-third in the Lower House, in spite of there being a strong body among the Princes who would not accept anything less than 50 per cent. in the Upper House.

2387. I do not wish to raise that controversy at all, but I simply say there are some of us who were not a party, and have never been a party, to that compromise. Then secondly, in paragraph V you quote proposal 41 of the White Paper?—Yes.

2388. And you object to the proposal, I suppose, because you feel that the two Houses of the Federal Legislature have not been given co-ordinate powers? Am I right in concluding that from the paragraph in your Memorandum?—Yes.

2389. Are you aware of the fact that when this question was discussed in the

Federal Structure Sub-Committee a compromise was arrived at whereby the Lower House was to have power of initiating Money Bills, and that the Upper House was expressly and explicitly deprived of the power?—We have nowhere suggested that the initiation of Money Bills in the Lower House should not rest there.

2390. But I thought co-ordination implied that?—Subject to that, we have stated here “negative the principle recognised in the White Paper of co-ordinate powers for the two Houses except with regard to the initiation of Money Bills”, in line 6 of paragraph (e).

2391. So you agree to that compromise?—Yes.

2392. Are you in a position to state on behalf of the Chamber of Princes if it would be possible for your Chamber to decide within a reasonable time as regards the subjects which are going to be federalised, or the subjects which you would be prepared to give to the Federation?—Yes, within a reasonable time. It all depends upon what you consider a reasonable time.

2393. What is your conception of a reasonable time?—My conception of a reasonable time is when a definite list is submitted to their Highnesses along with the Act and they have considered it.

2394. Now I put to you this difficulty which we have felt on this side: If the Indian States know that the responsibility to the Central Government can only be achieved through Federation and that without it no central responsibility is possible do you not think that it is likely—I do not say it is probable—that knowing this, a State may insist on every one of their demands being fulfilled before they come into the Federation?—I am sure you can take it from me that the Princes have not treated this question in that haggling spirit at all from the beginning, and they do not propose doing it either.

2395. I am glad to hear that?—But surely you would expect them to ask for legitimate safeguards for their autonomy, and also for due discharge by them of their obligations under the Treaties to the Crown, to India, and the States, as you would naturally like to do with your Provinces.

Dr. Shafa' at Ahmed Khan.] So far as legitimate safeguards are concerned. I can assure you that nobody here would oppose you, but the only question is what are legitimate safeguards.

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Mr. A. H. Ghuznavi.

2396. Can you tell us to what extent the representatives of the States would be the representatives of the people of the States?—I understood that from the beginning the position accepted by our friends and the British Indians also in the Committee was that the selection of the States representatives will entirely be a question for the States concerned.

2397. To what extent?—That will depend on different States.

2398. On Document 21, paragraph F: If the Federal budget is not balanced would the States be prepared to make a contribution, and what basis would you suggest, to meet that budget deficit?—(Mr. K. M. Panikkar.) What do you mean by not being balanced? Do you mean for one year or two years, or as a general proposition?

2399. Supposing it is for one year or two years?—Then you will have to meet it from your own sources of revenue, and by retrenchment and other methods known to financiers.

2400. I will put it in another way. Looking at the current budget, the forecast of the Government of India even after various cuts and surcharges gives a deficit of about 11 crores. How do you propose to balance the budget when federation comes?—How do they do it now?

2401. They do it from British India?—Not merely from British India, but by paying by direct taxation, by raising Customs duty, by having Excise duty.

2402. That is in British India?—Not merely in British India. The contribution comes from the whole of India.

Mr. Zafrulla Khan.

2403. Also by raising the rates of income tax?—Also by putting up the railway freight.

2404. That is the question. The question is clear enough?—Therefore I am saying that it will be by the methods by which you have uniform indirect taxation raised all over the Federation.

2405. The indirect taxation?—He has not put that question. (Mir Maqbool Mahmood.) The present budget happens to be an abnormal year. The exports and imports are half those of a normal year, and, moreover, the deficit of 11 crores to which you refer includes 13 crores which have been used this year for the avoidance or reduction of debt. These are not ordinary normal features of the budget. Therefore, if you eliminate these you have

a surplus on the budget to-day. In addition you will have certain excises, and certain indirect taxes open to you to which Indian States, and British Indians will contribute. Moreover, as it not understood that our British Indian friends want that there will be certain functions of the Federal Government dealing entirely with British Indian subjects for a long time to come; therefore if they have to contribute a little more in taxation than we have, it is because they will take more services from the Federal Government than we would.

2406. Really one would like the witnesses to help one to understand the position, and I hope he will excuse the interruption after I have put my questions. What we want to understand is this. Is the position that as financial experts, or on the advice of financial experts, the representatives of the States now in the witness box do not anticipate that under any reasonable financial system in the Federation there will be any deficits over a number of years, or do they think if there are deficits they will always be met by an appreciable raising of the rates of indirect taxation, or, if those two methods have been resorted to, and there is still a deficit, and direct taxation has to be increased, then the States will not contribute anything and the balance must be paid by British India?—(Mr. K. M. Panikkar.) In the third alternative that is in case all other sources have been tried, and indirect taxation has been tried to the utmost, then it becomes not merely a question of normal balancing of the budget, but of a financial crisis in which case extraordinary measures not of a general character, but of a special and specific character will have to be taken. The normal resources of the Federation must come from its normal sources of revenue, and as normal sources of revenue, we are not prepared to consider direct methods of taxation; but in matters arising out of a crisis, or arising out of an extraordinary period of depression or suffering in credit, in such a case it becomes an extraordinary occasion, and, by extraordinary measures. These are to be met either by way of contribution, or otherwise, we have no objection to meet a special situation; but as a normal course of procedure we are not prepared to accept direct taxation.

2407. If for purposes of normally balancing the budget direct taxes have

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to be levied on British India that must be done on British India alone. The States are not prepared to come in on a proportionate basis?—We are not prepared to accept this proposal of direct taxation as a normal procedure.

Mr. N. M. Joshi.

2408. I think, Mir Maqbool Mahmood, you said that this year's budget was an abnormal one?—(Mir Maqbool Mahmood.) What I submitted was that this year's budget was an abnormal budget for more than one reason. I said your exports and imports have been about half the normal year. This year you have provided 13 crores for the avoidance of debt.

2409. Is that 13 crores an abnormal provision?—It may or may not be. It will always depend on whether the responsibility for pre-Federation debt is accepted by the States or not.

Sir Samuel Hoare.] I think it is very relevant that we should have a short answer to the kind of questions that have been asked. At the same time I do suggest that as we are sure to have a detailed discussion on Federal finance as a whole in the course of the next few days, or the next week or two, it would be better to keep the details to that discussion. I venture to say that as a caveat lest this discussion now instead of being based mainly upon the point raised in the Memorandum of the Chamber of Princes should really become the first chapter of a discussion on Federal finance.

Marquess of Salisbury.] It is important that we should know what attitude the States take towards direct taxation.

Sir Samuel Hoare.

2410. I have said that it is a very good thing to have a short answer, as I thought we had had to that question?—May I make one further point clear? Mr. Zafrulla Khan wanted to know whether in special cases if the States did not want to contribute to direct taxes, how would they be prepared to contribute in some form or other in a special financial crisis towards the balancing of the budget.

Mr. Zafrulla Khan.

2411. I never put that question; you need not answer it?—I am sorry.

Sir Abdur Rahim.

2412. I understand one objection of the Chamber of Princes to joining in the All-India Federation is that the Federal Government shall be at liberty to put what they choose in the instrument of accession, and that State, so far as that is concerned, will be confined to those subjects. Is that so?—Yes, provided the accession of that State is considered to be sufficient and accepted.

2413. Sufficient by whom—by the Federal Government?—Presumably by His Majesty's Government with whom they will be negotiating. If it is thought that they do not give the minimum content required for Federal accession, obviously the accession of that State would be refused.

2414. Is it the opinion of your Chamber that on such a question British India will have no voice?—Obviously in the question of accession it would be for His Majesty's Government and the States concerned.

2415. You would not allow any voice to British India?—This is a matter for His Majesty's Government and you to decide as to what you regard as the minimum quantum for federation.

2416. Would the Chamber agree to British India having a voice in that?—So far as the question of treaties is concerned they would not accept any voice from British India, but, so far as any decision as to the minimum quantity of Federal content is concerned having regard to special States I am sure they would not object to His Majesty's Government and the British States considering it jointly.

2417. I have not got an answer.—(Mr. K. M. Panikkar.) So far as we are concerned that the Government and people of British India are for practical purposes the same, how far you influence your Government is not a matter with which we are concerned.

2418. I simply wanted to know the attitude of the Chamber towards that question?—The Chamber looks upon the Government of India as representing the people of India also, and when the Government of India comes to a decision with us as to what is the quantum required for federation, we assume that it has been decided between you and the Government of India. You can decide with the Government of India what is the position that the Government of India will take.

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Mr. Zafrulla Khan.

2419. Then you will decide it with the Government of India?—Yes.

Sir Abdur Rahim.

2420. There is that delicate question, as I understand it, of paramountcy. What would be the attitude of the Chamber of Princes on this question?—(Mir Maqbool Mahmood.) We have no instructions on that question.

2421. You have no instructions. Does your Chamber comprise any Maritime States?—Yes.

2422. And States where there has been industrial development and there are Corporations existing?—Yes.

2423. Supposing the maritime States say "so far as Customs revenue is concerned, we want to keep entirely to our rights," and supposing the industrially developed States say: "We will not allow any Corporation tax," what will be the contribution which the States will be making to the Federal Exchequer?—(Mr. K. M. Panikkar.) May I have that question repeated?

2424. Supposing the Maritime States say that so far as Customs revenue is concerned they do not want to part with them to the Federal Government, and supposing the States which have got industrial Corporations working industries in them say "We will not allow any corporation tax to go into the Federal pool," and the States that have got salt mines or salt works say that so far as salt is concerned "we are not going to part with that revenue," would you say that the Chamber would want Federation upon those conditions?—So far as Customs are concerned, except for one or two States, the Customs collected belong really to the British Indian exchequer; the Maritime Customs belong to the British Indian exchequer.

2425. Not the whole of it?—Not the whole of it, but the major part of it; in the same way with regard to salt.

2426. I want to know as a general proposition whether your Chamber will agree that the federating States must contribute a fair amount in proportion to the Federal revenue?—Undoubtedly.

2427. You would accept that proposition?—Undoubtedly.

2428. Not absolutely equal, but, at any rate, fairly equal? I want to draw your attention to D "Federal Legislature" of Document No. 21, sub-paragraph (b). What is the suitable method you refer to

there in case not more than 51 per cent. of the States are willing to federate? Then you say that their representation must be on some effective basis, which is not provided for in the White Paper, but which you suggest should be provided. Can you suggest anything?—(Mir Maqbool Mahmood.) I gave two illustrations.

2429. I do not want illustrations?—I suggested two possible manners of augmenting States votes in that case (1): supposing 50 votes of the States are utilised out of 100 in the Upper House every State vote will count, both for and against the measure, as 100 over 50 in the Upper House. If 60 have joined, each vote will count 100 over 60. Similarly in the Lower House and the joint session. (2): By distributing unfilled seats temporarily amongst acceded states.

2430. Would the Chamber of Princes join with a Federation in which all the subjects of the Federation are dealt with by the Federation, so that there should be no subject which is confined to any particular unit. Does your Chamber desire that the Federation must deal with subjects concerning British India alone?—(Mr. K. M. Panikkar.) If the Central subjects are taken out we have no objection to that.

2431. I mean subjects which concern British India alone?—From the very beginning, since the Round Table Conferences, the Princes recommended the abolition of purely central subjects, and it was only as a compromise that we accepted the present position.

2432. It is not your desire to deal with purely British Indian subjects?—It is not our desire.

2433. I take it all the other subjects would be common to all the units?—Our desire was that the subjects should be uniform and common to all the units, provided that subjects which are not acceptable to us are not introduced in the list; that is to say, only those subjects in which there is agreement between the British States and Indian States should go into the list. I might remind the Committee that originally when this question was discussed, what was done was to take the present powers of the Government of India, and to divide them as being Crown, Federal and Central. At that time the representatives of the Princes who were there objected to this category of Central sub-

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jects, and their objection was more or less overruled.

2434. That is still the attitude of the Princes?—The uniform list to which Sir Abdur Rahim has been referring is subject to the proviso that some of those subjects will be Federalised for policy and legislation only, while some will be Federalised for policy, legislation and administration.

2435. Even taking that distinction I take it that you do want all these subjects which are common to all the units?—Yes.

Sir *Hari Singh Gour*.

2436. I have three questions to ask you. The first question is what is the attitude of the Chamber whom you represent on the proposals of the White Paper, and whether the Chamber is prepared to accept those proposals if there is no alteration such as suggested by you in the Memorandum?—(Mir *Maqbool Mahmood*.) As at present advised our instructions are that if the White Paper proposals as they stand are put up to their Highnesses, most of them will not accede to Federation as it stands without any amendment, but they hope that good sense on both sides will make it possible for these amendments to be brought in.

2437. The second question I wish to put to you is this. If you will turn to paragraph 3 of your Memorandum, I am referring to Memorandum No. 21, I find the following sentence there: "The Indian Princes have declared that their entry into the proposed All-India Federation depends upon the inclusion in the Constitution and the Treaties of Accession of safeguards necessary to ensure effective discharge by them, in the new conditions of India, of their obligation to the Crown, to India and to their States. These safeguards relate to the preservation of their internal autonomy, the continuance of their relations direct with the British Crown in their personal and dynastic matters, the inviolability of their Treaties, the strict limitation of the spheres of Federal Government to matters (and under conditions) specified in the Instruments of Accession, the allotment to the States collectively of an effective share proportionate to their political importance in the shaping of the All-India policies, and the necessity of a smooth and stable Constitution." Every one of the words is pregnant of meaning. Is that the Article of Faith of the

Chamber of Princes which is the irreducible condition precedent to their joining the Federation?—The irreducible condition necessary to their joining the Federation is the White Paper supplemented with these amendments which we have now proposed or some effective alternatives. This is our present instruction.

2438. Now you have said that, so far as the Chamber of Princes is concerned, they have not yet decided whether or not to join the Federation because they wish to see a completed picture?—Quite so.

2439. Now how do you reconcile that statement with the statement you have just now made, that if all these conditions are embodied in the White Paper, then the Chamber of Princes will join the Federation?—I am almost confident that if all these amendments are incorporated in the Constitution, most of the Chamber of Princes will decide on entering the Federation, as at present advised.

2440. But you have forgotten one fact, and it is a fundamental fact of all Constitutions, that while you wish to safeguard your rights and Treaties with the Crown, you are aware that the Crown has got the undoubted right of consulting its Ministers anywhere and anyhow it likes. You cannot prevent the Crown from acting upon the advice of Ministers.

Sir *N. Sircar*.] On a point of order, my friend, Sir *Hari Singh Gour*, has asked no questions; he has simply made a statement.

Sir *Hari Singh Gour*.

2441. My learned friend has not even waited for me to complete the question; that was the beginning of the question. (*To the Witness*.) If that be the position, how can you prevent the devolution of power by consultation by the Crown with Ministers in British India, which may (I do not say it will) conflict with your inviolate Treaty rights which you postulate?—We have full faith that the Crown and its responsible Ministers will not take a course which flouts their Treaties with us. We can say that on the experience both of the Crown and of the Ministers of all Parties who have advised the Crown with regard to the Treaties.

2442. But it is consistent with all the Treaties?—Everything is possible. Parliament can do everything, but there are certain things which are not likely to happen.

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2443. Are you aware that in the Butler Committee Report a clear definition was given of the meaning of "paramountcy." Do your Chamber of Princes accept that definition?—Paramountcy is not a matter before this Committee and I would not like to be dragged into that controversy.

Mr. *Rangaswami Iyenger*.

2444. I just want to have two or three points cleared up in the statements which you have made, Mir Maqbool Mahmood. You have stated that the advent of Indian States' representatives nominated by the Princes would introduce an element of stability and responsibility into the Federal Legislature. I take it that that stability and responsibility does not arise from the fact that there are no democratic or representative institutions in any of the States?—No.

2445. And, therefore, the argument that you will act as a brake on the democracy of India by coming in, owing to the absence of democracy in Indian States, is an unsound statement, is it?—Yes.

2446. Then I only want to put two questions with regard to the Budget. I take the Secretary of State's assurance to us that the question with regard to Federal Finance is more a matter of detail—is Cochin a member of the Chamber of Princes?—(Mr. *Panikkar*.) The Maharajah of Cochin has not attended the meetings of the Chamber of Princes since it was formally inaugurated.

2447. Is he a member?—He has paid his contributions regularly to our organisation, and his Minister attends our informal conferences.

2448. You are aware, as a delegation of the Chamber of Princes, that His Highness objects strongly to, even, indirect taxation of Customs by the Federal Government?—It is not known to me that he takes that point of view.

2449. Therefore, I am putting it to the Chamber of Princes that you have suggested that certain things cannot be done by the Princes with regard to taxation, and certain things can be done, and a question has arisen as to how to balance the Budget. I desire to ask you how the Federal Budget can be balanced on the proposals which you now make. If you have prepared some kind of Budget showing what the expenditure of the Federal Government will be and what you will contribute. it will be a

very great help to us when we discuss the proposals of Federal Finance in the larger discussion which will follow?—Certainly.

2450. I am asking, will you prepare a Federal Budget and give it us?—The Delegates on behalf of the Chamber of Princes will put forward detailed views on behalf of the Chamber at such discussions.

2451. I want the particular views as to how you would pay the Budget under the Federation that is to come. What revenue and expenditure will be necessary vis-a-vis the British part and the State part. Then there are two small questions, my Lord Chairman. You have stated that interpellations and other rules of Procedure with regard to the Federal Legislature should not be permitted under certain conditions. That is put down in Paper No. 21, under clause D?—(Mr. *Maqbool Mahmood*.) Yes.

2452. I do not want to go into details; I want to put one general question. I take it that the Indian States do not claim an immunity from the attentions of the Federal Legislature or of any Provincial Legislature which is not given to foreign Governments, for instance, in the British House of Commons?—Under the present rules of the Assembly and the Council of State they are given certain exemptions, certain specific privileges and they want that that position should be repeated, and if there is going to be any change of that position, it should be done in consultation with the representatives concerned.

2453. Would you give the Federal Legislature the power to put limitations in respect of British-Indian State subjects rights in connection with the Indian States?—Our instructions are that as the clause stands it negatives the whole basis of the Princes' adherence to the Federation and it is clean against the rules made under the Government of India Act. I refer to Rules 33 and 135 of the Legislative Assembly, and Rules 28 and 118 of the Council of State. That is the position. If any change is desired, matters may be negotiated with the Rulers and the representatives of the Indian States. We have no instructions as to what specific limitations of that rule will be permissible.

2454. So you are not against giving any right, but only that it should be a matter which should be strictly negotiated and defined?—I cannot give any

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definite answer on that question; I am sorry.

2455. Then in regard to Federal Courts, I find that you have taken objection in Clause C to the authority of the Federal State Courts being enforced through judicial authorities in Indian States, where the State Governments, as such, of States are involved. I take it, therefore, that in regard to other questions where the States' Governments are not involved, but the States' subjects are involved, the authority of the Federal or High Court is not interfered with?—(Dr. Sen.) The objection that has been taken is with regard to the wording of Proposal 160, which says: "The process of the Federal Court will run throughout the Federation and within those territories all authorities, civil and judicial, will be bound in any place within their respective jurisdictions to recognise and enforce the process and judgments of the Federal Court." It may be only a question of wording, but as it stands, it is open to objection, and what is meant is that the Federal Court will, in those cases, refer the matter to the appropriate authority in the State itself. Instead of having all civil and judicial authorities being bound by that process, and bound to enforce that process, it might be referred to the proper authority, it may be the Minister of the State concerned, or it may be a particular Department of the State concerned. Presumably, it is only a question of phraseology, but as the phraseology stands at present, it is open to objection.

2456. That is where the State itself is concerned, is it?—Yes.

2457. Not the State subject?—Where the State itself is concerned. It may also be in the case of litigation in which a State subject is a party within the agreed jurisdiction of the Federal Court, and supposing that, ultimately, the decision has to be enforced, it has to be enforced through the proper machinery of the State, as it stands.

2458. You will not accept judicial enforcement of Orders of Federal Courts, except through the Government of the States concerned?—It may not be the Executive; it may be the judicial machinery of the State. It is done also in British India from one Province to another, and, in fact, it would be the easier procedure and the more appropriate procedure. I believe that is the view that we have taken. The Chamber

believes that it may be merely a matter of phraseology. When it comes to be considered, very likely it will not be put in that absolute form.

Sir Tej Bahadur Sapru.

2459. I take it, that you are anxious that your internal autonomy and your Treaty rights should be scrupulously observed and safeguarded in the future?—Yes.

The Marquess of Salisbury.

2460. My questions are mostly of a rather general character. May I take it, Mir Maqbool, that the general position of the Chamber which you represent is that you accept the White Paper, but subject to certain amendments which you have come here to represent?—(Mir Maqbool Mahmood.) Yes.

2461. And those amendments you look upon as very important?—Yes.

2462. You would not accept the White Paper unless the majority of them were inserted in the White Paper?—Unless they or some equally effective alternatives are provided, our present instructions are that it will not be acceptable.

2463. Unless they or some equivalent of them were inserted. Whether you are in favour of Federation or not, it is very important that the Committee should realise exactly the conditions under which Federation might take place. As I understand it, you look upon the provisions of the White Paper in respect of the reserved subjects as a part of the conditions without which the States would not adhere?—(Mr. K. M. Panikkar.) I have not followed your question, my Lord.

2464. I am taking you to your heading B, paragraph 2?—Yes. (Mir Maqbool Mahmood.) Yes.

2465. "The exercise of paramountcy by the Viceroy, contemplated by this clause, would presumably be subject to those principles and conditions as might emerge from the negotiations with regard to these matters, between the representatives of the Crown and of the States." Unless these conditions were looked upon as a permanent part of the settlement, you would not accept the White Paper at all?—(Mr. K. M. Panikkar.) The reservation of subjects?

2466. The reserved subjects?—The question of paramountcy is a very difficult matter and remains exclusively with the Crown we would not consider its transfer to the Federal Government; but reserva-

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tion of other subjects is part of the scheme to-day and their transfer certainly would require the consent of the States. We would not look upon the present Constitution as a permanent Constitution in that sense.

2467. But not to be altered, except with the consent of the States?—In regard to the transfer of powers which they have not transferred.

2468. That is what I thought you meant. Let me take you to paragraph D, subhead (d)?—(Mir *Maqbool Mahmood*.) Yes.

2469. There you lay it down that the concerns of the States must not be discussed in the Federal Legislature?—Yes.

2470. Do you look upon that as an essential part of the arrangement?—Yes.

2471. You could not consent to a Federal scheme which would permit the domestic matters of the States to be discussable in the Federal Legislature?—Yes.

2472. I wanted to understand that. Going to the next paragraph, paragraph (e), that is a little difficult paragraph to follow. It has to do with the Joint Session of both Houses to resolve a deadlock and there is a sentence about three parts of the way down the paragraph: "It is, therefore, desired that special majorities of the Members present and voting at a Joint Session should be provided to resolve disagreements between the Chambers, to initiate constitutional amendments and to record—at least in the first few years—a vote of no-confidence against the Ministry." In other words, you are not prepared to accept a bare counting of the heads of a joint body in order to resolve these very important issues?—That is so, my Lord.

2473. You want some arrangement under which the Upper Chamber's votes will be weighted against the other House and will weigh a little more against the Lower Chamber when they are in joint Session?—Or in the Lower Chamber when the matter has been passed by the Upper House and rejected by the Lower House and it goes to a joint Session.

2474. Will you look at the next paragraph (f)?—Yes.

2475. That has to do with supplies. I gather you are not quite satisfied with the provision in the White Paper with regard to supplies?—No.

2476. Will you explain to the Committee what alteration you want in that respect?—We want the voting of supplies

to go to a joint session or both the Houses secured co-ordinate voice otherwise.

2477. So in the matter of voting supplies you want the Upper Chamber to be co-ordinate with the Lower Chamber?—Yes, as far as possible.

2478. That is unlike the British Constitution?—Yes, it is unlike the British Constitution, but it is like certain other Federal Constitutions.

2479. Why do you care about that so much?—For obvious reasons. We are contemplating an Executive which will be responsible to both Houses, not an Executive which will be responsible only to the Lower House, and, as Sir Tej Bahadur Sapru stated before the second Federal Sub-Committee in the proceedings, he objected to supplies going to the other House because he said thereby the Executive will become responsible to both Houses. Since we are making the Executive responsible to both Houses, we want supplies to remain with both Houses.

2480. You realize that the House which votes supplies really controls the Executive Government?—Yes; and we feel the Upper House is being brought in only to support all measures of taxation. The Indian States Delegates were almost unanimous at the second Conference, that when the matter of expenditure comes in the Upper House should be brought in, particularly because it contains experienced elements from the States who will make the best use of expenditure.

Sir *Hari Singh Gour*.

2481. Why do you want two Houses at all?—To reconcile the Federal element more or less in the two Houses and to bring in a revisionary body. According to the proposals of the White Paper, the Upper House is only brought in in the discussion of supplies in measures which have been rejected or refused by the Lower House and that would always set it against the popular opinion and not give it any effective voice over the Executive.

The Marquess of *Salisbury*.

2482. Broadly speaking, you look upon the adhesion of the States in the Federation as a Conservative force, and you want, therefore, to give their representatives due weight in the Federal Legislature?—Not merely because they are Conservative, but

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because they represent a different element of Federation.

2483. Because they represent the independent sovereign powers of the States?—Yes.

2484. Perhaps I might be allowed to ask one other question. It is with regard to the list of Federal subjects in Appendix VII. How far are the States prepared to accept the list as it stands?—(Mr. K. M. Panikkar.) The list as it stands, as is known to your Lordship, was evolved as the result of discussions between the Princes' representatives, the British Indian representatives and the Crown at the Round Table Conference. In regard to those lists, they made at the time certain reservations in regard to administration. They also said that certain subjects within that will only be for policy and legislation; but in the draft this matter we found that certain subjects of a character which we did not accept to be Federal at the time have been included, and when we say that we want the question scrutinized it is only with the view that the full content of our agreement at the Round Table Conference should be put in here and not with a view to withdrawing anything which we had already accepted. For example, I may say there is this question of European cemeteries, making it a Federal subject—the ecclesiastical administration and European cemeteries. It is not contemplated, I assume, that the ecclesiastical affairs in Travancore, where there is a Christian population, or in any other State, should become a Federal subject. It is entirely a matter relating to British India and it is merely the definition of this that we are asking for and not any exclusion in regard to the States generally. One particular State might not accept, except with a limitation, a particular subject. That is quite a different matter.

2485. There is one other question about the vexed question (I do not want to go into it at all fully) of how far the representatives of the States in the Federal Legislature should vote on British Indian issues. I think you said to one of those who were examining you that you had no instructions as to what answer to give about that issue. Is that so, Mir Maqbool?—(Mir Maqbool Mahmood.) That question has not been asked so far.

The Marquess of Salisbury.] May I ask you whether you have any opinion to

offer to the Committee as to what is the attitude of the States towards that question: as to whether they should take part—that is to say, whether their representatives should take part—in the Federal Legislature on British Indian central issues?

Rao Bahadur Sir Krishnama Chari.

2486. We made a statement on that question the other day on behalf of all the States?—A statement has been made here, my Lord, on behalf of the Indian States Delegates. So far as the Chamber of Princes are concerned, the Princes have already expressed their views at the various Round Table Conferences. Beyond that, we have no further considerations to add, or to subtract anything.

2487. Do you think it would be a good arrangement that the Speaker of the House should arbitrate and say what is a British-India issue and what is not?—Does your Lordship want my opinion?

2488. Yes, I want your opinion?—Yes, and no.

Viscount Burnham.

2489. We have not had any general statement as to the point whether the representatives of the Indian States wish to have a statutory prohibition inserted in the new Act against their being able to vote on a British-Indian issue?—Not a statutory prohibition.

2490. Therefore, if you retain the right, it would be a matter of your agreeing among yourselves how far you exercise it?—It would be a matter as was stated here, of the growth of convention.

Marquess of Salisbury.

2491. Who would interpret the convention?—On that question, we have no definite instructions from the Chamber of Princes, but the question has been considered by the States' Delegates and the Chamber Delegates. If their Lordships want their opinions, they are here on the Committee.

Sir Tej Bahadur Sapru.

2492. I will start, Mir Maqbool Mahmood, where the questions by the Noble Lords were left. Do I understand your position to be the same as that contained in Sir Akbar Hydari's statement in regard to the Indian States voting or not voting in British-Indian

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matters?—What do you mean by “your position”?

2493. The Chamber of Princes?—The position of the Chamber of Princes has been expressed by their Highnesses in their Conferences, and they said that this question should be left to the growth of convention.

2494. I suggest to you that the statement made by Sir Akbar Hydari, and apparently accepted by the Indian Delegation, is far in excess of the statement made by His Highness of Bikanir, and, if that is the statement you desire to make, we have got to reconsider our position?—All I can say is that the statement made by Sir Akbar Hydari was considered by the States’ Delegates and the Chamber Delegates, not by the Chamber of Princes, and after that, there has been further discussion of it, and the difficulty was felt that if there is nothing in writing, further difficulties will arise as to what is the convention which is sought to be set up, and in order to do that, the opinion of the Chamber Delegates and some of the State Delegates is that something in writing in the Rules somewhere would be desirable.

2495. Then I take your position to be that you are opposed to a statutory provision prohibiting Indian States’ Delegates from taking part, but you are not opposed to a convention?—No.

2496. If you are not opposed to a convention, will you please tell me how it is possible to prevent, even two or three or four of your representatives from breaking that convention, and never allowing that convention to come into existence unless we have some rule on that point?—I have already submitted that this question was considered by the Chamber Delegates and some of the States’ Delegates who were present at that meeting, and it was there thought that something in writing in the rules would be desirable; but the Chamber of Princes has given no instructions on this specific question.

2497. You remember that it was said in the Statement—I am speaking from recollection and if I am wrong, I hope you will correct me—or rather in answer to a question put by Sir Hari Singh Gour, that the Indian States’ Delegates will be the sole judges as to when they shall interfere and when they shall not interfere. Would you stand by that Statement, or would you rather leave the matter to be decided, either by the Speaker or by some other

independent body, such as a Committee of Privileges of the two Houses?—On this question also the views that I have to put on behalf of the Chamber of Princes’ Delegates and other States’ Delegates present at that meeting are that it would have to be left to somebody like that to interpret, but I have no specific instructions from the Chamber.

2498. Then may I ask a few more important questions. Supposing the Bill is passed by Parliament in 1934, how long after that would you, in the Indian States, take in making up your minds whether you are coming into the Federation or not—roughly speaking; I do not want to bind you down to a precise date or month?—I am afraid it is impossible for me to give a definite answer to that question, but I do not think it would be long if a satisfactory Constitution is available.

Sir Tej Bahadur Sapru.] Would you require about five or seven years or 10 years’ time, or one year or six months?

Chairman.

2499. If the Witness does not know, I hope he will say so?—Do you want me to interpret the minds of the Princes individually? It is impossible for me to do so. If a satisfactory Constitution is available to the Princes, it should not take long.

Sir Tej Bahadur Sapru.

2500. It all depends upon what you mean by “long,” and “satisfactory.” We, the British-Indian Delegates are entitled to know that?—I do not expect any undue delay.

2501. That is very like answering questions in the Legislative Assembly. Are we entitled to hold that you will take about a year’s time to make up your minds?—Do you not think that will depend upon the Constitution, on the satisfaction of certain conditions laid down there, on the working out of the Treaties of Accession? But I can assure you that the Princes do not mean to delay it longer than is absolutely essential.

Sir Tej Bahadur Sapru.] That is not answering my question. I will not press it. I take it you cannot make up your minds. That is with us a very vital question.

Nawab Sir Liaqat Hayat-Khan.] May I suggest, my Lord Chairman, that Sir Tej could have that point cleared up in the discussions with us. If the Witness

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cannot give an answer, we might be able to give an answer.

Sir *Tej Bahadur Sapru*.] It must not be construed that we agree in the answers given by Mir Maqbool Mahmood.

Nawab Sir *Liaquat Hayat-Khan*.] I am merely suggesting that it may be possible for you to clear up that point in the course of discussion with us.

Witness.] I have no specific instructions upon this question.

Sir *Tej Bahadur Sapru*.] I should have thought a member of a Delegation like yours would be armed with an answer on that point, and if you have no instructions, I would respectfully suggest that you should obtain instructions from your masters on the point. We have got to make up our minds.

Sir *Samuel Hoare*.] My Lord Chairman, surely the time for raising that kind of point is in the discussions. The Witness has said that he has not got any instructions upon this point. It seems to me, if you go on asking him questions for ever upon it, his only answer will be that he has not any instructions to give an answer.

Sir *Tej Bahadur Sapru*.

2502. Will you please tell me in how many of the Indian States there are representative institutions at the present moment?—I cannot say definitely, but in the Simon Commission Report, I think they have stated there are about 30 or so, but I am not definite about it.

2503. Are there any such proposals in any of the Indian States now?—Yes, in many States.

2504. To grant some sort of Constitution?—Yes.

2505. Now will you tell me whether the views you expressed this afternoon with regard to supply and the right of the Upper Chamber to participate in questions of supply are in strict accordance with the opinion expressed at the Round Table Conference by your spokesmen, by the Maharajahs. I suggest to you that you have gone much further than what was stated at the Round Table Conference?—Would you please invite my attention to any particular paragraph, because I have here before me para. 42 of the Report Second Round Table Conference Committee, where the almost unanimous opinion of the States is set out that the principle of equality of powers should apply also to the voting

of supply and it was approved by the Chamber of Princes.

2506. May I ask you whether the statement that you have made just now with regard to supply is one of those essential conditions without the fulfilment of which you or your masters will not agree to come into the Federation?—As I have stated, this is one of the essential safeguards which we are directed to set up on behalf of their Highnesses. If on seeing the completed picture they find that the same objects have been effectively secured in some other alternative way, it is open to them to reconsider the position, but our present instructions are that without these additions many of them would hesitate to join.

2507. Then I take it that your position is, or your instructions are, that the right of the Upper House to participate in Supply is in the nature of a condition precedent?—It is one of our essential safeguards.

2508. I do not know what you mean by "essential safeguards." I will put it that it is a condition precedent to your joining it or not?—I would read with reference to this what we have stated that: "They are, however, constrained to remark that in certain essential matters—affecting the States—the proposals of the White Paper would require revision and elucidation if a sufficient and effective participation of the Indian Princes were to be ensured."

Sir *Hari Singh Gour*.

2509. Those are general words?—(Mr. K. M. Panikkar.) May I make a supplementary statement on that?—These conditions are put forward as being, in the opinion of the Princes, essential to their interests; but the final decision must depend upon a balance of considerations as to what has been and what has not been secured. Each condition we consider highly desirable to attain, and some of them we consider to be absolutely essential, but our decision in regard to the constitution would depend upon a balance of considerations of what has been and what has not been secured. We are not in a position to say till the Constitution Act is before us what amount of safeguards would be necessary for us each individually to accept or reject.

2510. Then this condition in itself is not in the nature of a condition precedent?—Every condition we put forward

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is with the idea that it is a most important and essential condition, the question whether we accept or reject the whole Constitution is dependent upon the judgment we form of the whole picture when we see whether, on a balance of all considerations, it is desirable to take it or not.

2511. Now how many of the Indian States belonging to the Chamber of Princes, want, first of all, to have Confederation among themselves?—(Mir Maqbool Mahmood.) As I have submitted, six out of eleven members of the Standing Committee.

2512. I am not talking of the Standing Committee?—I am coming to that. Forty States, so far have expressed their desire to come into the Confederation.

2513. 40 out of how many?—40 out of 109 members of the Chamber of Princes.

Mr. M. R. Jayaker.

2514. You stated some time ago, Mir Maqbool, that the conditions set out in the Memorandum were a *sine qua non*, and if these conditions were not granted their Highnesses would not accept the White Paper. Have you any authority to state the final decision so categorically and finally?—What I stated was that our instructions are that the White Paper as it stands would not be acceptable to most of their Highnesses in the Chamber of Princes. That is my position. Secondly, unless these safeguards or some alternative safeguards, which make the Princes regard the completed picture as giving them essential security, which they need, are available, they would not accept it.

2515. You are not in a position to state at the present moment what their Highnesses would do in certain contingencies. Therefore, your answer was in conflict with the answer given by Mr. Panikkar

two or three minutes ago. Do I take it you have no authority to state what the Princes will finally do, and the Princes will wait and see the final picture and see what they will do? Is not that the position?—That I have stated from the very beginning, but as at present advised, their Highnesses regard them as vital.

2516. May I draw your attention to paragraph 19 of the Introduction to the White Paper? It was referred to in an earlier part of your examination. I will read two or three lines: "But their view is that the detailed allocation of seats which will eventually be provided for in the Constitution Act should be based, in the case of the Council of State, on the rank and importance of the State as indicated by the dynastic salute and other factors, and that in the case of the Lower Chamber it should be based in the main on population." It was stated by the Secretary of State that negotiations are going on at the present moment; therefore, I do not wish to pursue this question further, except on one or two points. I hope the Chamber is aware that on this point there are grave apprehensions in the minds of the smaller States, especially in the southern Mah-ratta country, that their rights may be jeopardized. The Chamber is aware of that?—Yes, there are apprehensions in all quarters.

2517. Especially in the southern Mah-ratta States?—I would not say specially.

2518. You are aware that the dynastic salute taken by itself is a faulty guide to the importance and rank of the State?—Yes, that is the opinion held by the Chamber of Princes.

2519. May I take it that in the negotiations care will be taken to satisfy the reasonable apprehensions of the States?—It is being done.

(The Witnesses are directed to withdraw.)

Ordered; that this Committee be adjourned to to-morrow at half-past Ten o'clock.

DIE VENERIS, 23^o JUNII, 1933

Present:

Marquess of Salisbury.
Marquess of Zetland.
Marquess of Linlithgow.
Marquess of Reading.
Earl of Derby.
Viscount Burnham.
Lord Ker (Marquess of Lothian).
Lord Hardinge of Penshurst.
Lord Irwin.
Lord Snell.
Lord Rankellour.
Lord Hutchison of Montrose.
Major Attlee.
Mr. Butler.

Major Cadogan.
Sir Austen Chamberlain.
Mr. Cocks.
Sir Reginald Craddock.
Mr. Davidson.
Mr. Isaac Foot.
Sir Samuel Hoare.
Mr. Morgan Jones.
Sir Joseph Nall.
Lord Eustace Percy.
Miss Pickford.
Sir John Wardlaw-Milne.
Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.
Nawab Sir Liaqat Hayat-Khan.
Sir Akbar Hydari.
Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
Sir P. Pattani.
Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

Dr. B. R. Ambedkar.
Sir Hubert Carr.
Mr. A. H. Ghuznavi.
Lt.-Col. Sir H. Gidney.
Sir Hari Singh Gour.
Mr. Rangaswami Iyenger.
Mr. M. R. Jayaker.
Mr. N. M. Joshi.
Begum Shah Nawaz.

Sir A. P. Patro.
Sir Abdur Rahim.
Sir Tej Bahadur Sapru.
Sir Phiroze Sethna.
Dr. Shafa' at Ahmad Khan.
Sardar Buta Singh.
Sir N. N. Sircar.
Sir Purshotamdas Thakurdas.
Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

SIR PATRICK JAMES FAGAN, K.C.I.E., C.S.I., F.R.A.S., Mr. EDWARD BURTON LOVELUCK, Mr. WILFRED HAROLD SHOOBERT, Mr. EUSTACE ARTHUR CECIL KING, Mr. HENRY ROBERT HARROP, Mr. FREDERICK WYNNE ROBERTSON, Sir EVAN COTTON, Mr. HAROLD LANCELOT NEWMAN and Mr. STEPHEN LEONARD SALE are again called in and further examined.

Chairman.

2520. Sir Patrick Fagan, before Sir A. P. Patro continues his examination, if he desires to put more questions to you, I should like, if I may, to try to help both you and him by one or two questions. As I understand the position, you and those for whom you speak apprehend that a purely Indian administration may, when some post is vacant, or some promotion is under consideration, unfairly prefer an officer who is an Indian at the expense of a European officer?—(Sir

Patrick Fagan.) Yes, my Lord, "unfairly" in the sense that professional qualifications would not carry their proper weight.

2520A. Is the fact, that that fear is a real one to you, one of the grounds on which you desire to press your case for the protection of your rights and prospects?—Yes, that is exactly our feeling.

2521. Favouritism is commonly a very difficult charge to substantiate?—That is so, and certainly as regards individual instances.

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2522. And again, though you were to bring before the Committee an individual case or cases of favouritism among Indian Ministers, that is not a proof that favouritism is rife in India. We have heard of the same thing even in Europe?—That is so. It is largely a matter of degree and of opinion. I should like to repeat that our fears in this respect are very real to us, particularly in view of the fact that those whom we represent will be public servants, alien to the autonomous Government whom they will be serving. Should these fears prove unfounded, no one will more rejoice than ourselves.

2523. Do you think that there is the slightest hope that, by questions put to you in this room on this particular point, your fears in this regard might be removed or assuaged?—I am afraid there is not the slightest hope of that.

2524. Would you be prepared to leave it at that?—If the Committee are of opinion that we have sufficiently emphasised the dangers which we very really and sincerely apprehend, and from which we seek effective protection, and are satisfied that our representations on this matter are not unreasonable, then we are most ready to accept the suggestion contained in your Lordship's question.

Chairman.] Sir A. P. Patro, have you any further questions to put?

Sir A. P. Patro.] No, Sir.

Sir Purshotamdas Thakurdas.

2525. Would you, Sir Patrick, turn to paragraph 6 (e) of your Memorandum No. 3?—The joint representation?

2526. You have this sentence there, Sir Patrick: "As a necessary safeguard therefore the Secretary of State should retain by statute the power to grant exchange compensation allowance on the whole of an officer's pay," etcetera. Lower down, in the next paragraph, you have this: "Power should also be reserved by statute to the Secretary of State to increase pay if this course should become necessary owing to a serious depreciation or collapse of the Indian currency."—Yes.

2527. Does this mean that you want powers reserved which may work out as double benefit?—No, not at all. The exchange compensation is with reference

to what I might call (it is rather a contradiction in terms) a normal depreciation in currency. The other one would apply in the case of something abnormal, something in the nature of a financial crisis which caused an entire collapse of the Indian currency. We certainly do not ask for them both.

2528. Sir Patrick, in the first sentence which I read from paragraph 6 (e) you have at the end of the sentence this: "in order to prevent serious diminution in real pay due to a fall in the exchange value of the rupee below 1s. 6d., at which it has been stabilised"?—Yes.

2529. In the second paragraph which I read you have "owing to a serious depreciation or collapse of the Indian currency"?—Yes.

2530. Do you see that from the first sentence it would appear as if you want the power reserved to the Secretary of State to give you exchange compensation allowance on the total pay, including what the officer is expected to spend in India?—Yes.

2531. The second one is more sweeping, and I want to get from you exactly what you mean. You realise that it might work to give a double benefit. If you do not claim it, I want it to be clear?—No, we certainly did not contemplate a double benefit at all.

2532. You do not?—The second one was in view of something far more abnormal than the first contingency.

2533. I see. Regarding the second one, would you suggest that the increases of pay should have any proportion to increases granted to others in India who draw their pay in rupees? If there is a collapse of exchange in India then, obviously, the Government servants who draw their pay in rupees in India would have their pay put up to a certain extent, would they not?—We are not concerned with the whole of the Services in India. That would be a matter for the consideration of the Government when the contingency occurred.

2534. I know that you are only concerned with what happens to your officers, but some of us here are concerned with the Government working as a whole, and what I am asking you is, are you prepared to agree that the rates of pay to your officers in the rupee part of it should bear some proportion to the rates of pay given to the Indian officers who draw all

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their pay in Indian rupees?—I think that is rather a question which is beyond us. It would be one which would require consideration of a good many points which we have not considered, and for which we have not got the data. I cannot bind myself to anything on the subject, but no doubt if there was a complete collapse of the Indian currency I should think probably there might be a case for the sort of change that you contemplate, but I cannot tie myself to that at all. At present we are concerned with the particular officers with which the representation deals.

2535. I am quite clear what your point of view is, but I must ask you to concern yourself with the carrying on of Government in India, and as one who represents the officer class there I do not think I am putting to you a question which may be said to be either irrelevant, or to which you can, unless you choose, avoid giving me an answer?—I do not think I can add anything useful to what I have already said. It would be a question which would require careful consideration no doubt, and I should be prepared to give it such consideration, but I do not think I can give an answer straight off, more especially as it is one entirely outside the scope of our representation.

2536. I suggest it is one which is very much inside the scope of your representation, and I must ask you the question?—I am afraid we must differ in that matter, and I certainly do not feel justified, representing the Associations as I do, to commit myself to any definite answer on that question. I have already said that if there was an abnormal collapse of currency no doubt there would be a matter for the Government of India to consider very carefully as regards a general change in the scales of salaries. I cannot say more than that.

2537. If you do not want to answer I cannot force you to, but let me put it to you from a point of view where I think it is very pertinent. Supposing, owing to the depreciation of the rupee, the Government of India found they must put up the pay of their officers, who were getting paid in rupees, to the extent of 25 per cent. I am asking you whether the increase which you require for your officers on the amount of their pay which they spend in India in rupees should bear the same proportion as is given to

the Indian officers and other staff who will be given an increase in India *pro rata* to the depreciation of the rupee?—Well, Sir, you insist on going outside the scope of our representation. I have already given you the best answer I can in my power at the moment. If you want anything more I should be perfectly prepared to consider it and submit an answer later on, but I should have to consult the Associations. I cannot tie them to an opinion on that point. What I am saying now is not my own personal opinion. I am representing the Association, and the sense of that responsibility is a very grave one indeed.

2538. I am quite prepared to leave it at that, in view of your last reply, but I suggest to you it would be very useful if you could write in to the Chairman or to the clerk of the Committee who corresponds with you, and let me know what your Association thinks about it. I think it is very important that we should know the mentality with which you look at this question from the point of view which I have put forward?—We are in your Lordship's hands in that matter entirely. It would no doubt take a considerable amount of time, and one would have to refer back to India. It could not be done very quickly.

Sir Purshotamdas Thakurdas.] I suggest, my Lord, if you agree with the point of view which I have put forward, that a letter to that effect may be addressed after your Lordship has thought over the question which I have put.

Chairman.] Sir Purshotamdas Thakurdas has made a suggestion; perhaps Sir Patrick would consider it.

Sir Purshotamdas Thakurdas.

2539. I have not finished; I thought Sir Patrick was considering it with his colleagues. Sir Patrick, I understood you to say at the beginning of your examination on the previous day that we were to regard your evidence here, both the written statement and what you have said in your oral examination, as supplementary to the evidence given, or the written statement put in, by the Civil Service Association?—Not supplementary.

2540. You agree with what they have said, but this is your specialised point of

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view. Is that correct?—We put in an abstract showing the points on which we agree and also the points on which we go further. This was I believe one of them.

2541. There was one point that was brought out in the oral examination of the witnesses who appeared on behalf of that Association. I do not know whether you have a copy of their oral evidence or not?—Yes, I think I have.

2542. May I refer you to pages 41, 42 and 43, and I will read to you the portion which I wish particularly to examine you upon. On page 42, in reply to the noble Lord the Marquess of Salisbury, Sir John Kerr said, in the right-hand column at the top of the page: "We suggest that on the 1st April there should be paid into the Governor's account in the reserve bank of India a sum of 50 lakhs which would enable the Governor to pay the Services throughout the year. It need not all be paid in a lump sum; it could be paid in two instalments or more instalments." Is this the stand which your Association take?—That there should be a separate fund?

2543. What Sir John Kerr suggested in his evidence was this, that they had so much mistrust of the new Constitution, that they suggested that on the 1st of April, that is the beginning of the financial year, the total pay which would be payable to the Civil Servants during the year should be paid, either in a lump sum or in two or three instalments, into a separate account to be opened in the name of the Governor of the Province only and to be operated upon by the Governor only?—Yes.

2544. Does your Association endorse that opinion and that demand?—Certainly; I think it is a most reasonable suggestion.

2545. You think it is a most reasonable suggestion. I wish to ask, as you endorse that and support it, whether the pay of the Civil Servants or of the Officers interested in your Association is likely to be withheld, apart from the pay of the subordinate services and of the whole host of Indian servants, both subordinate and lower ranks, serving the Government in a Province?—I imagine that this is in view of a financial shortage of funds. I cannot answer a question of that kind.

The Indian Civil Service Association were apparently asking for a safeguard for the due disbursement of pay and allowances.

2546. The safeguard that they asked for is that where their pay is withheld (I can understand that) or where there is not enough at the balancing of the budget to meet their pay, the Governor is to have special powers to raise that concession; but where the budget is balanced and may be showing a small surplus of 5 or 10 lakhs, even then these witnesses from whom I have read to you the quotation require that, as a normality, on the 1st April the total pay of the Civil Servants for the twelve months following should be earmarked into a special account in the name of the Governor. Is that a safeguard?—Reading this, I do not understand that it is confined to the particular Servants that you mention. As far as I can see, it may apply to all.

Sir *Purshotamdas Thakurdas*.] You can take it from me, Sir Patrick, that he did not say that it applied to all. In fact, he said that the total pay of the Civil Servants in any average Province which they would be liable to draw in a year is not more than Rs.50 lakhs.

Lord *Eustace Percy*.] My Lord Chairman, I do not want to interrupt, but I am very doubtful whether this was the nature of Sir John Kerr's evidence. I certainly understood him to propose nothing more than what might be called a Consolidated Fund arrangement out of which the Civil Service was to be paid, and I only want to safeguard an absent witness from being quoted in his absence clearly beyond what he intended to suggest.

Sir *Purshotamdas Thakurdas*.] I suggest that his noble Lordship has not understood the evidence correctly, and I suggest that my construction of it is the only construction that it bears, and if I may be allowed to go on with the examination, my noble friend's turn will come and he can examine the witnesses as he likes. I do not think the evidence I am referring to bears any other construction than the one I have sought to put on it.

Witness.] I should have thought that your questions would have been more properly directed to Sir John Kerr. I am not responsible for this suggestion. I say that it seems to me a reasonable one.

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2547. I was asking you whether you agree with what he said?—I have already answered that question.

2548. You said it was extremely reasonable, so I followed it up, but if you say you are not prepared to discuss it any further I will drop it?—I agree with the suggestion but I am not responsible for it. I cannot discuss all the details of it.

2549. You do not see what a "tall order" it means. That is what I want you to see, as you agree with it. It amounts to something which has no parallel. It amounts to a demand which may be looked upon by the people of India as a demand which certainly has no parallel in any other country.—(Mr. Sale.) With your permission, I would like to make one observation, as a Serving Member of the Indian Civil Service, in reply to that question. Our only fear is that, although the money may be budgeted, it will not in actual practice be forthcoming. We who serve in India see many examples in the domain of local self-government, in district boards and in municipalities, in which, in spite of the fact that the budget is balanced and the pay of the employees is on paper provided for, it is in actual practice not forthcoming. I suggest that that is what was behind Sir John Kerr's evidence.

2550. I appreciate what has been said by the witness just now. What I want him to appreciate, and to bear in mind, is to tell me whether he is aware that the Governor has always the power to bring in supplementary budget and taxation proposals and, if that is so, where does this doubt come up? As a Serving Member, the witness who just now said something, must realize that the Governor is at no stage debarred from bringing in supplementary taxation proposals?—I suggest my questioner means the local government.

2551. Both central and local, I mean?—The local government consists, I take it, under the new Constitution, of an Indian Minister in charge of finance, and it is possible that the Indian Minister in charge of finance may not be willing to bring in that supplementary demand.

2552. Are you aware that the Governor has powers to call a special meeting of the Council and there is nothing that debars him from putting up special and fresh taxation proposals in order to

obtain enough money to pay the Services, including the subordinate staff?—The result of his doing so might, in the long run, result in a breakdown of the Constitution.

2553. Do you not expect that the Governor would be sufficiently careful to see that the breakdown of the Constitution does not come on the question of the delayed payment of salaries earned by the staff, both officers and subordinates. Are you not taking it for granted that the Governor will have no powers of provision as a statesman and an administrator?—I take it, the Governor will be very anxious to do his utmost to avoid that situation. He will want the Constitution to work as smoothly as it possibly can, if possible without the exercise of his special responsibilities and safeguards.

2554. In spite of those presumptions of yours, you would endorse this, and, as I understand, you press for this requirement which I have just now referred to. Is that the position of your Association?—I think that is correctly stating the position because we feel that this would obviate a possible breakdown of the Constitution.

2555. That is the co-operation we are to expect from your officers in the new Constitution? That is the trust that the new Constitution will have from Associations?—May I, as a Serving Member, state to this Honourable Joint Select Committee that we wish to co-operate under the new Constitution to the utmost that is within our power, but at the same time we do wish to have our fundamental rights safeguarded, and there is, I submit, no divergence between those two points of view.

Sir Tej Bahadur Sapru.

2556. I have just a few questions to put. I suppose, Sir Patrick Fagan, you are speaking to the Joint Representation from the All-India Association of European Government Servants, the Indian Police Association and the All-India Civil Engineers' Association?—Yes.

2557. Will you kindly turn to Document No. 3? You might begin at subparagraph (I) of paragraph 4, and just follow my question: "Rules under Part VII-A of the Government of India Act of 1919 may only be made with the concurrence of a majority of votes of the

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Council of India. (Appendix VII, Part 1-7, White Paper.)"?—Yes.

2558. "This right clearly involves as its essential basis the continued existence of a Council of India duly empowered in this behalf which should therefore be regarded as an existing right or safeguard enjoyed by the members of the Services." Then you go on to say: "The existing financial control of the Secretary of State in Council (Section 21 of the Government of India Act, 1919), over the expenditure of the revenues of India is a principal element of security for the due discharge by the Government of India of its financial liabilities to its officers. As such it should be considered to be an existing right of such officers, or at all events as an existing safeguard enjoyed by them." Do I take you to suggest by that paragraph that you want, in the first instance, the Council of India to continue, because you look upon the Council of India as an existing right or safeguard to your services?—We regard the existence of the Council of India as at present, as we say, as a safeguard enjoyed by the members of the Services. What we look for is, if not the Council of India as at present constituted, a body which will be in the same position as regards the Services as it is at present.

2559. And your Services look upon the continuance of the Council of India or some other body equal to it as a safeguard in their interests?—Yes.

2560. Now, similarly, I take it that you mean by paragraph II that the Secretary of State in Council should have the financial control of the Indian finances, because you look upon it as a sort of safeguard of your Services?—We do not go so far as to say that he should have control of the finances of India, but that he should have effective control so far as the emoluments, pay and allowances, and so forth, of the Services are concerned. The financial interests of the Services should be under his effective control.

2561. Then will you kindly make it still more clear whether the second paragraph is intended to place the control of the Secretary of State over the finances of India only so far as your Services are concerned, or whether you mean by that that the Secretary of State should continue to exercise general control over the finances of India?—In that paragraph we

suggest nothing; we are merely enumerating what is the state of things at present.

2562. Do you want that to continue?—Our prayer is that existing and accruing rights should be maintained. If any of them are removed, sufficient and proper compensation should be given and the necessary safeguards instituted for the maintenance of the present financial security of the Services.

2563. I do not want to press you any further with regard to that, Sir Patrick, but, perhaps, it is necessary for me to explain to you my point. My point is this: Do you consider it as an essential safeguard in the interests of the Services that the Secretary of State should have the control of the Indian finances generally, or, at any rate, to the extent to which your interests are concerned?—I think to the extent that our interests are concerned. Paragraph 6 (d) is the answer to what we want: "Pay and allowances of members of the Services appointed by the Secretary of State shall continue as at present to be non-votable. Pay shall not be liable to be reduced, permanently or temporarily, without the sanction of Parliament. The pay and allowances of all members of the Services shall be a first charge on the revenues of the Federal and Provincial Governments of India. The Secretary of State, the Governor-General-in-Council and Provincial Governors shall be empowered by Statute to secure not merely budgetary provision but also the actual funds which they may regard as necessary for the due and punctual payment of the pay and allowances of all members of the Services; if necessary by the imposition of a definite surcharge." The paragraph you have been quoting is an enumeration of what we conceive to be the existing situation as regards rights; paragraph 6 (d) is a statement of what we ask for for the future.

2564. Now, Sir Patrick, I think you said on the last occasion that you retired from Active Service in 1923?—Yes.

2565. I believe your experience was almost wholly confined to the Punjab?—Yes.

2566. Right up to 1920 or 1921 when the Montagu-Chelmsford reforms were put into force, who was generally the appointing authority to various subordinate posts in the Punjab?—There were various authorities. It depended upon the Ser-

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vice. The Collector had the appointment to certain comparatively subordinate posts; the Commissioner had the selection of candidates, and, in fact, their appointment; the Financial Commission had, I think, other appointments, and, of course, the Local Government had the appointment to the more important Provincial posts.

2567. Could you give the Committee some idea as to how many Indians held the position of Collectors and Commissioners in the Punjab at the time when you retired?—As regards Collectors, I think there were two or three at the outside—I am speaking purely from memory. There was no permanent Commissioner; there were one or two who acted as Commissioners for longer or shorter periods.

2568. These Indian Collectors and Acting Commissioners had probably in the course of their duties to appoint certain people to subordinate positions?—No doubt.

2569. Was there any complaint against any one of them that they were appointing their nephews or sons or relatives?—At this distance of time I cannot remember any particular instances; I am not aware of any. I do not remember anything in the way of extensive complaint, or anything of that sort, but I cannot recall individual instances.

2570. The higher appointments were in the hands either of the Financial Commissioners or in the hands of Governors?—The Financial Commissioners only dealt with certain of the important revenue appointments.

2571. The other appointments were in the gift of the Governor of the Province?—Yes, broadly speaking.

2572. And the Governor of the Province was, generally speaking, a member of the Indian Civil Service?—Always, in my time.

2573. Now during the three years or two years and a-half that you were in the Punjab, there were, I believe, two Indian Ministers and one Indian member of the Executive Council?—I was in the Punjab under the reforms only for a year. I left India on leave preparatory to retirement.

2574. During that period of one year?—Slightly over one year; one year and two months, I think, was the actual time.

2575. During that period of one year or one and a-half years, did anything come to your notice which suggested that the Indian member of the Executive Council or the two Indian Ministers had indulged in nepotism?—I cannot remember any individual instance at this distance of time.

2576. Can you from your knowledge of India say that between 1909, when Lord Sinha was appointed a member of the Governor-General's Council, and 1922, when you retired, any Indian members of the Viceroy's Executive Council were known to have tried to secure any jobs for their sons, nephews or relatives?—I never reached those heights, and I am not in the position to say anything about what may or may not have happened there.

2577. But you are not prepared to say that you have heard anything of the kind?—No, I cannot say that I have. I never presumed to enquire into matters occurring in those quarters; they were entirely beyond my ken.

2578. Therefore, I take it that your statement about nepotism and favouritism is of a general character?—My Lord Chairman, I had hoped that the discussion on this subject had come to an end with your Lordship's questions. May I suggest that if it is thought indispensably necessary to continue it, it might be deferred to the end of the hearing, so that in the meantime the Committee may be enabled to deal with the many important other matters which appear in our Representation, and in which we are deeply interested?

Mr. *Zafrulla Khan*.] Does the Witness presume to dictate to those who wish to put questions to him as to what order they should put questions to him, to suit his convenience?

Marquess of Reading.] May I suggest, my Lord Chairman, that, although I have no doubt it is very well intentioned and not in the slightest degree designed to get away from the question, surely that must be a matter for the Committee and not for the Witness?

Witness.] I only ventured to submit it very respectfully, my Lord, as a suggestion.

Sir *Tej Bahadur Sapru*.] My Lord, we Indians attach so much importance to this charge of nepotism and favouritism that is being levelled against us that, in

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fairness to ourselves and in fairness to our countrymen, we must be allowed an opportunity, subject to your Lordship's permission, of testing it. In any case your Lordship will remember that the implication of that is a charge on the honour of men who have held high offices under the Crown, and I do protest, in the name of my own country, that the charge is a most unfounded one. I will appeal to the three ex-Viceroy's here to say whether any one of us in their Executive Council ever approached at any time with a request for jobs for any of our sons or relatives or tried to secure jobs for them.

Chairman.] Sir Tej, I think the Committee will readily understand that you and your friends feel very strongly upon this matter. You, no doubt, heard the questions which I ventured to put to the Witness at the beginning of our Proceedings to-day, and the answers that were given to them, and you have those in mind. I have no desire to stop any questions in this matter which you think it necessary to put. I would only ask that consistent with the proper elucidation of the Witnesses' minds, we may get through this particular phase of our business this morning as rapidly as possible.

Marquess of Reading.] May I make one observation, my Lord Chairman, subject to the Committee's approval? I do find it impossible to allow an appeal such as has been made by Sir Tej Sapru, who was one amongst other Indians who served with me during my time of office in India and was with me certainly for two years—I find it impossible to allow his appeal to pass without making my own statement once more upon it; I have made it several times in public, and I made it at the Round Table Conference. I do not hesitate—indeed, I am glad to take an opportunity to say that, not only as regards Sir Tej Sapru, but as regards the other Indians who served with me in the Council, valued members of my Council during my five years of office, none could have been better servants of the Crown than they were, and none could have been more loyal to me; none, so far as I know, gave occasion for any such charge as is made. I am not speaking of India generally, only of my own experience of those who were with me, and that none more faithfully and loyally

kept their own secrets of the Council than the Indian members of the Viceroy's Executive Council in my time.

Sir Tej Bahadur Sapru.] My Lord Chairman, I wish to express my very sincere sense of gratitude to the Marquess of Reading for making that statement, and I do hope that the publicity which is being given to insinuations of this character in the Press here, will also be given to Lord Reading's very valuable statement, which I think will put an end to all questions of this character on my side. I attach the greatest possible importance to Lord Reading's statement on this point, and I will not put any further questions upon it, either to this gentleman or to any of them.

Lord Irwin.] My Lord Chairman, I am extremely glad to hear from Sir Tej that he feels able to refrain from putting further questions on a matter that I really doubt it is possible to carry much further than he and his friends have done. I only wish to associate myself, if I may, absolutely and entirely with Lord Reading. I do not repeat what he said, but in every word that he said he carried my complete assent and concurrence, from my personal experience. I will only add this, that in my experience as Viceroy there was more than one case that I remember very well in which Indian Ministers. Indian members of the Council, had to recommend to me for appointments between the claims of English Indian Civil Service Officers and an Indian, and in which they gave their recommendation in favour of an English Indian Civil Service Officer.

Sir Tej Bahadur Sapru.] I am very grateful to your Lordship, also.

Lord Hardinge of Penshurst.] My Lord Chairman, I would like to associate myself with my two ex-Viceroy colleagues. In the days when I was in India the only Indian on the Viceroy's Executive Council was a law member. Consequently, during the five and a half years that I spent in India I had two law members, Sir Ali Imam and Sir Sankaran Nair, and I would like to say this, that no members of my Council were more loyal in their services, and more devoted to the Government of India and, I should say, personally to myself, than my two Indian colleagues on the Executive Council.

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Sir *Tej Bahadur Sapru*.] I am very grateful to your Lordship. I will not put any more questions upon this point, and you may take it that after the statements made by the two ex-Viceroy, we are not going to trouble anyone with regard to these questions.

Sir *Abdur Rahim*.] I will have to put a question because Sir Patrick Fagan's statement refers to me, and I want to clear it up.

Sir *Tej Bahadur Sapru*.

2579. There is one question that I would like to put to Sir Evan Cotton. I am going to read from the printed portion of the statement which you made here on the last occasion. There was a question put like this—it is on page 64, the first column: "Have those attacks appeared in papers of large circulation and of responsible character or in small papers? (A.) Sir Evan Cotton is in a position I think to give a better answer to that than I can." Then Sir Evan Cotton said: "I read every week the Congress newspapers which are sent to me. I have brought some specimens with me here to-day. Those Congress newspapers are largely and almost exclusively read by the student community. I find that hardly a week passes but there is not in them some sort of misrepresentation of the British Services in India." Now, Sir Evan Cotton, you were at one time connected with the Indian National Congress?—Certainly I was. I was connected with the Congress movement in the days when the Congress was a strictly Constitutional and moderate movement.

2580. And you were the Editor of a newspaper called "India" which was maintained by the Congress in England?—I was, and I resigned my appointment when the Congress was captured by the Extremists.

2581. I will put to you this question: Did you find when you were the Editor of the Congress organ "India" similar attacks on the British Services at that time?—Yes, I am afraid that has always been going on. There is nothing new about it except that I think it has increased in virulence.

2582. Did you then try in your organ "India" to meet those attacks?—Sometimes I did, when I thought those attacks were unjust, and at other times when I thought they were just I supported them.

2583. I suppose the attacks in recent years have been much more severe?—I think judging from the newspapers which I read, which are the "Amrita Bazar Patrika," "Liberty" and "Advance," which have a very large circulation as far as Indian newspapers go, I should be inclined to say that the attacks have become more severe.

2584. May I ask you whether you read only the Extremist papers in India, or whether you read any other kind of papers too?—Certainly not. I read the "Statesman" every week, and I have brought here an extract from the "Statesman" of 28th May last which I think is extremely damaging to the Municipalities and District Boards. It is not my statement; it is a statement made by the "Statesman" which is a hearty supporter of Sir Tej Bahadur's views.

2585. I should be very sorry if the "Statesman" was really a supporter of my views?—I am afraid the "Statesman" suffers from being a candid friend. I am afraid that is the trouble with the "Statesman."

2586. You say in your statement on page 64 of the Minutes of Evidence: "Those Congress newspapers are largely and almost exclusively read by the student community." Will you kindly explain to the Committee what you mean by "almost exclusively"?—What happens is this. In my experience the student community in Calcutta very rarely read any other newspapers except these Congress newspapers, and such has been the Indianisation of the Education Service in Bengal that many students in Bengal very rarely come in contact with any Englishman at all, and therefore a false atmosphere is created. I can remember myself a very remarkable case that was put to me when I was in Calcutta. My Secretary in the Legislative Department had been in charge of certain young men who had been arrested and detained for revolutionary matters. It was before I came out that this happened, and he said to me: "One of these young men whom I got to know rather well remarked to me: 'You know, Sir, I had no idea that there were any Englishmen like you. I have never come in contact with any before. I am astonished'."

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Sir Hari Singh Gour.

2587. Sir Patrick, do I understand your Memorandum of Evidence to boil down to this that you want that the rights that you have under the present Government of India Act should be safeguarded in the future Constitution?—(Sir Patrick Fagan.) That is so.

2588. You do not want any enlargement of those rights, but you want the preservation of those rights which you at present enjoy under the existing Act?—That is so, broadly speaking.

2589. Consequently, if we examine the Government of India Act, as your Association must have done, are you of opinion that the Government of India Act, so far as the superior Services in India are concerned, gives the Secretary of State in Council the power to delegate and relinquish all or any of his rights and control as provided in Section 19 (a) of the Government of India Act?—I did not catch your question.

2590. So far as the Government of India Act is concerned, which you say safeguards your rights, is it not a fact that that Act makes a provision in Section 19 (a) under which the Secretary of State in Council is empowered by making rules to relax his control over the Government of India in all or any matters dealing with the Government of India administration, including your services?—(Mr. King.) No, Sir, I cannot find anything to that effect in Section 19 (a).

2591. May I read it to you. It is Section 19 (a)?—Yes, I am sorry.

2592 I will not take up my own time and yours by reading it, but if you will read it you will find that it lays down that notwithstanding anything contained in the Act the Secretary of State in Council "may by rule regulate and restrict the exercise of the powers of superintendence, direction and control vested in the Secretary of State and the Secretary of State in Council by this Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of the Government of India Act, 1919"?—Yes, that is there, Sir,

2593. Then it comes to this that whatever rights you have under the present Government of India Act, those rights are subject to the rule-making power of the Secretary of State under which the

Secretary of State is entitled to relax his control over the Government of India?—The Secretary of State may be able to relax his control as much as he likes, but he remains responsible for compensating us for the consequences of any delegations he may make under Section 96 B (2). (Sir Patrick Fagan.) The proviso to Section 96 B (2) is: "Provided that every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the Civil Service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." That is an overruling provision.

2594. Do you rely on that?—Very much indeed.

2595. Section 19 is subject to the proviso to Section 96 B (2)?—Yes, that is the position broadly, I take it.

2596. It is further provided in the Government of India Act that a Public Service Commission may be appointed, I am dealing with Section 96 C?—Yes.

2597. And that the Public Service Commission shall discharge, in regard to recruitment and control of the Public Services in India, such functions as may be assigned thereto by Rules made by the Secretary of State in Council?—Yes.

2598. Consequently it is open to the Secretary of State in Council, under the present Act, to transfer to the Public Service Commission such powers as are mentioned and comprised in Section 96 C (2)?—Whatever his powers may be under that we take it that they are subject to that proviso to Section 96 B (2).

2599. Is it your contention that the Section 96 B proviso overrules anything that may be in the Government of India Act?—(Mr. King.) No, Sir. Section 19 (a) only allows the Secretary of State in Council to make rules in order to give effect to the purposes of the Government of India Act.

2600. Notwithstanding anything contained in the Act?—Yes, but it has to be to give effect to the purposes of the Act, and also he cannot deprive himself of his obligation to compensate anyone under Section 96 B (2).

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2601. The purposes of the Act are defined in the Preamble to the Government of India Act, 1919, namely, "the progressive realisation of responsible Government in British India," and "the increasing association of Indians in every branch of Indian administration"?—(Sir Patrick Fagan.) That seems to me to be rather far from the point we are on, is it not?

2602. You have said that, in addition to what is stated in the Appendix to the White Paper, you regard the three points you have mentioned in your Memorandum 3, paras. 4 and 5, as fundamental rights. Is not that rather an overstatement?—It comes under "existing rights and safeguards." I do not know that the word "fundamental" appears anywhere. We invite attention to the Appendix as containing a list of the principal existing rights and safeguards, and we thought it well to supplement it by reference to these three particular points which are not specifically mentioned in that Appendix VII.

2603. You have mentioned "fundamental rights" in Paragraph 5, Memorandum III, "The rights, safeguards and guarantees quoted in the preceding paragraph," and the preceding paragraph contains Sub-clauses I, II and III?—Yes, paragraph 5. "The rights, safeguards and guarantees quoted in the preceding paragraph are secured by the Government of India Act of 1919, and are a fundamental part of the conditions"—quite so.

2604. They are not fundamental rights?—We said "a fundamental part of the conditions."

2605. They are not fundamental rights. That is an inaccurate expression. They are not fundamental rights?—It depends what you mean by "fundamental rights."

2606. I shall ask you what you mean by "fundamental rights"?—We did not say "fundamental rights." We said "a fundamental part of the conditions."

2607. Is that distinct from fundamental rights?—I suppose it is a matter of rather fine dialectics. (Mr. Sale.) By "fundamental rights" we mean those rights which were in the contemplation of both parties when we entered the Service.

2608. Contractual rights?—Yes; we do not suggest that the Government of India

Act is exhaustive on that point. (Sir Patrick Fagan.) They are not only contractual; they are due to Statutes and regulations and various other matters.

2609. Paragraph 6, sub-paragraph (i) is: "No suit, prosecution or other legal proceedings shall be entertained in any court against any public servant, who is not removable from his office save by or with the sanction of the Local Government or some higher authority, in respect of any act alleged to have been committed by him while acting or purporting to act in the discharge of his official duty without the previous sanction of the Governor." That is an improvement in the present state of the law?—Yes; it is an alteration. We have given our full reasons for it in the Appendix which is attached. (Mr. Sale.) Yes.

2610. That is to say, even if your action is not *bona fide*, and is in the contemplation of the law *mala fide* and malicious you still require that you shall enjoy immunity from any prosecution or suit unless there is a sanction of the Governor in favour of such a prosecution or suit?—That is not a correct representation of the case. The position is that the Governor will, in the first instance, hold an inquiry to go into the matter whether the action was *mala fide* or *bona fide*. What we are asking for in this respect (and I would be very grateful if I were allowed to make a statement on this point) is merely extending the civil law to what is already in the criminal law.

2611. What protection do you give to the subject against acts which he may complain of against a public servant in the discharge of his duty?—The protection given to the subject is the inherent right which he has to make a complaint to his Government on the Executive side.

2612. In other words, the judicial protection is removed from the subject and transferred to the Executive?—Only in the preliminary stages; not ultimately at all.

2613. That preliminary stage may prove to be the final stage?—It might prove to be the final stage, yes.

2614. Therefore you take away from the subject the salutary protection which he enjoys of receiving the protection of the Municipal Courts by transferring the

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jurisdiction from those Courts, in the first instance, to the Executive?—What we want to do is to give the Executive the right to review a case which the subject wishes to bring before the Courts, and inasmuch as the future Government will be an autonomous Government, it is likely that that review will not be made in such a way as to derogate completely from the rights of its subjects.

2615. That is making the same statement in different words. Is not that so?—No, I do not think that is so, because we want to guard against *mala fide* suits. We assume that the local government will not check or oust the jurisdiction of the Courts in regard to *bona fide* suits.

2616. One last question. It has been stated by Sir Evan Cotton that there has been an increasing attack on the British Services in India. Is not that due to the growing demand for the Indianisation of all Services in India?—(Sir Patrick Fagan.) Are you addressing that question to me?

2617. The growing demand for Indianisation of all Services?—(Mr. Sale.) May I answer this question as a Serving Member in the Indian Civil Service? Our complaint in this respect is not attacks against government. Government as an entity can look after itself. We do not as servants mind how much the papers attack the Government. What we do object to is the attacks on particular officers impugning their motives unjustly and making attacks against their character. Shortly before I came on leave my attention was drawn to a paper issued in my Province in which the attack was made on a superintending engineer, that he was a drunkard and a debauchee. That is the type of attack to which we object—not political attacks.

2618. Has not he got his remedy under the ordinary law?—The remedy which he has against this type of attack under the ordinary law is to bring a suit for damages against the paper. Our experience has been that in nearly every case where a suit has been brought it has been quite impossible for that officer to recover a single pie of the amount of damages which he has claimed, because in nearly every case the editorial staff of the paper have been shown to be men of straw who cannot pay anything at all.

2619. You must be aware that similar attacks have been made on Members of

the Legislative Assembly and Members of the Legislative Councils and other public servants?—Members of the Legislative Councils and Assemblies can speak for themselves in public and through their own organs, and through various papers. Members of the Public Service cannot do so. They are, by virtue of being Members of the Public Service, gagged.

Sir Abdur Rahim.

2620. Sir Evan Cotton, have you got a copy of your oral evidence, No. 3, page 72, the first column?—Yes.

2621. You said: "I remember on one occasion there were constant articles in the Indian newspapers asserting that a Muhammadan Member of the Council always made appointments of his own co-religionists." I was the only Muhammadan Member of the Executive Council then. Is not that so?—I beg your pardon.

2622. I was the Member of the Council you refer to there—the Bengal Council?—My Lord Chairman, I am very sorry—

2623. I am asking: Is not that a fact?—Yes; as far as I know, it is a fact.

2624. You have said that you do not vouch for the truth or otherwise of the statements which appear in these newspapers?—Yes.

2625. You have said that yourself?—Yes.

2626. It was not your duty as President of the Bengal Council to make any inquiries?—Quite.

2627. But I want to refresh your memory to the effect, that in that Council, when you were there, questions were asked as regards the number of appointments made by me and how many of them were Hindus and how many were Muhammadans. I will give you the name of the gentleman who asked that question: Mr. P. N. Guha, who was connected with the "Statesman"?—Yes, I know him.

2628. The answer was given officially as regards the number of appointments that were made by me during my term of office up to then, and it appeared that, as a matter of fact, some more Hindus were appointed than Muhammadans, and that cleared up the position; so this statement in the paper, that the Muslim Member of the Council always made appointments of his own co-religionists was set at rest and shown to be unfounded.

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Do you remember that?—No, I do not remember it; but, if I may say so, it does not clear up the point that I made, namely, that Indian newspapers, by which I mean Hindu newspapers, brought these charges against a Muhammadan Member of the Council, showing how violent the communal feeling is and how very hard it is for a Muhammadan Member or a Hindu Member, as the case may be, to avoid these attacks. Of course, there are very few Muhammadan newspapers. Therefore, it does not apply to Hindu Ministers, but with regard to Muhammadan Ministers and Members, there are plenty of Hindu newspapers, and I gave it as an instance. I did not give it as an instance to prove that Sir Abdur Rahim, whom I have known for 40 years, was really guilty of this charge. I did not give it as an instance of that. I gave it as an instance of the way, in which Indian newspapers attack their own fellow countrymen and accuse them of these things.

2629. My object was to remind you that the question was put in the Legislative Council and the figures of appointments made were given and, as a matter of fact, those figures showed that more Hindus were appointed in my time than Muhammadans?—I do not remember the incident, Sir Abdur Rahim.

2630. Will you take it from me?—As far as I am concerned, of course I take it from you, and I am very glad to hear it because I never believed it myself for a moment. After all, when you have known a man for 40 years, you do not readily accept charges of that kind against him.

2631. You publicly made that statement. That is why I wanted to clear it up?—I was extremely careful not to mention your name and I gave it also for an entirely different purpose, which still remains unanswered.

Lord Irwin.] On a point of order, I am not quite following this discussion. In what way would the deliberations of the Committee be further advanced if it were true that Sir Abdur Rahim had appointed only Hindus during his term of office?

Sir Abdur Rahim.

2632. It is not so; I have appointed Muhammadans as well as Hindus. I was going to show how it bore upon the question under discussion. I say that

the Legislative Council offered a medium by which all these wrong impressions might be corrected, not only against the Government, but as regards public servants generally?—I have some experience of newspapers and I am afraid you will find that Parliamentary intelligence is not always studied with the same care as a statement, either in a leading article, or a bit of news with flaming headlines.

Earl Winterton.] I would like to submit a point of order. I say it in all friendliness to both the Witness and the questioner. Surely it is common ground to all Members of the Committee that in every country attacks are made by newspapers on persons in official positions? Is it worth pursuing?

Mr. Zafrulla Khan.

2633. I have got a certain impression from what Sir Evan Cotton said and I should be very glad if he would correct it, if I am wrong. With all respect, I do not think Sir Evan made those observations which were the subject-matter of the cross-examination just now in order to show that Indian Ministers and Executive Ministers were subject to attacks. It was in explanation of the difference between the official conduct of Indian Officials and British Officials, and it was then that he stood up and, in support of what Sir Patrick Fagan had said, quoted this instance. If he will refer to the transcript of his evidence he will find it is in support of that point that he quoted this instance, and not in order to explain that Indians of one creed attack Indians of another creed?—If I turn to Question 410 on page 71 I find that the question there asked by Sir A. P. Patro was: "Are you in a position to discuss any cases of Indians where they were liable to be charged with nepotism?" My answer therefore dealt entirely with cases in which Indians and Indian newspapers had distinctly brought the charge.

2634. In support of Sir Patrick Fagan's position?—No, not at all.

2635. That the standard of official conduct between British officials and Indian officials is different?—No, that is not the case. It was in elucidation of Question 410.

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Mr. *Zafrulla Khan*.] I am very glad to hear that that was not the position; I think that clears it up.

Chairman.] Sir Abdur Rahim, I hope we may pass from that point now. It seems to have been sufficiently dealt with.

Sir *Abdur Rahim*.] Yes, I am coming to another point. Sir Patrick Fagan, you said that you agreed with the proposal made by the representatives of the Indian Civil Service Association that there should be a separate fund in the bank in the name of the Governor for the salaries of members of the Imperial Services. Would you extend that to other public servants?—(Sir *Patrick Fagan*.) I do not see any particular objection to doing it.

2636. Would you extend that security, or whatever you call it, to other public servants?—That is not the suggestion we made. I have said that I think it appears to be quite a reasonable one, and I think it would probably not be unreasonable to extend it to other Services, but I am not prepared to give a final opinion without further consideration.

2637. Could you tell the Committee what is the proportion of the salaries of various grades and classes of Services in the total budget in a Province, broadly speaking?—I am afraid I cannot do that without looking up a considerable number of figures. No doubt, it would be a very substantial proportion.

2638. It would practically mean that there would have to be an earmarked fund like that in the name of the Governor for the greater portion of the Budget?—I do not say the greater portion of the Budget; there are other charges which a Provincial Government has to defray. (Mr. *Sale*.) It is not a great proportion of the Budget; the charges for public service are a very small proportion of the Budget. (Sir *Patrick Fagan*.) That is confining it to salaries only.

2639. Salaries, allowances and pensions?—(Mr. *Sales*.) Very small. (Sir *Patrick Fagan*.) Not more than 10 or 15 per cent.

Mr. *Ghuznavi*.

2640. Sir Evan, would you turn to the Minutes of your evidence, page 46, No. 2. I want to ask you how you were the

Deputy-Chairman of the London County Council in 1914 and 1915 when you were in India at the time?—(Sir *Evan Cotton*.) I was not in India at the time. These biographical details were not supplied by me and I am not responsible for a misprint in them. I am wrongly described as the Editor of "The Times of India." I came back from India in 1906, and I did not go back to India till 1922. I must decline absolutely to be responsible for these biographical details.

2641. It was The Congress Organ "India"?—I have already stated that the name of the paper was "India".

2642. That was a Congress journal?—Yes.

2643. And you were a paid servant of the Indian National Congress?—No, I was not; my salary was paid by the British Committee.

2644. The British Committee was the Congress?—Yes.

2645. How long were you in the subsidiary Service?—I edited that newspaper until 1917; that date is correct.

2646. After that you were not in the Congress service?—I was never in the Congress service. I resigned the editorship of the newspaper in 1917.

Sir *Samuel Hoare*.

2647. My Lord Chairman, it is very interesting to hear these biographical details of Sir Evan Cotton, and it is very interesting to hear these questions, but they do not seem to me to bear upon the subject of our investigations.—(Sir *Evan Cotton*.) I hope I may repeat that I did not supply any of the details.

Dr. *Shafa' at Ahmad Khan*.

2648. Sir Patrick, I think one of the members of your Delegation said if their rights were safeguarded, the Services would be prepared to make any scheme which we propose a success. Am I right in saying that?—Certainly.

2649. And this statement is endorsed, I take it, by all the Associations whom you represent here?—Certainly, by all the members of the Associations. (Mr. *Shoobert*.) Could I make that clear?

2650. My question was this: A statement was made by a witness, whose name I am sorry to say I do not know, that if the rights demanded by the Services are embodied in the Constitution, the Associations which are represented by

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this Delegation will be prepared to work any scheme to which the Committee may agree. Am I right in assuming that?—May I reply to that, Sir? You are referring to Mr. Sale?

2651. Yes, Mr. Sale?—(Mr. Sale.) Speaking for myself and for the various officers which our Associations represent, we desire to co-operate under the new Constitution to the utmost of our ability.

2652. Then, Sir Patrick, I take it that you have got members in your Delegation who have worked under the Ministers in the transferred Departments; there are some here?—(Sir Patrick Fagan.) Yes, we have two members, Mr. Newman and Mr. Harrop.

2653. You are not prepared to entrust the Public Service Commission with control, I do not say limited or complete, over the Services?—I gave an answer to that question at the last hearing.

2654. But your answer, if I may say so, was not very clear. The Public Service Commission has complained, at least some of the members have complained, that they were not given sufficient power, and that even at the present time their functions are purely advisory. If the Public Service Commission is given greater power for safeguarding the Public Services, will you then be prepared to reconsider your attitude towards the Public Service Commission?—The position of the Services is as we have stated it. A Public Service Commission would not command their confidence. No doubt they had the Public Service Commission in view as at present constituted. The quotation that I read at the last hearing did turn very largely on the point that they had not sufficient power. If further powers were given them, the position might be somewhat altered. It is very difficult to answer a hypothetical question, but I do not know that the mere addition of extra powers would entirely solve the question. A very great deal, of course, would depend upon the personnel of the Public Service Commission. That is not a point I wish to elaborate, but still it is a point, which would be, I think, very much in the view of the Associations in considering any departure of the kind that has been indicated, in having a Public Service Commission with greater final authority, if I may say so. (Mr. Sale.) May I make a statement in supplement to that answer?

We serving members have had no experience of a Public Service Commission as it has no control over the officers of the All-India Services, but we feel that in the future, if any control is given to them, the control would be given to men who are engaged in political work or who had previously been engaged in political work in India, and we would prefer that the control should vest, so far as the present incumbents of the offices in India are concerned, in the Secretary of State who is responsible to Parliament. That is the sole point.

Mr. Zafrulla Khan.

2655. My Lord Chairman, I wish to ask Sir Patrick Fagan and the other members of the Delegation some questions. Sir Patrick, may I draw your attention to your printed Memorandum No. 3, paragraph 7: "Efficacy of safeguards in the past." Do I understand correctly from the first sentence of that paragraph that your Association, after a close study of existing safeguards and their practical working, find that as regards the position of their members, the safeguards have not been adequate or effective?—Yes.

2656. On the whole, your view is that in the past these safeguards have not been adequate or effective?—Yes.

2657. Then you go on to give instances upon which that conclusion is based?—Yes.

2658. You cite the instance, to begin with, of the current temporary rules for compulsory retirement on the grounds of public financial stringency?—Yes.

2659. And you find that the result of those rules indicates that the practical working of the existing safeguards has not been effective?—Yes.

2660. My question is this: Can you inform the Committee whether these current temporary rules for compulsory retirement on the grounds of public financial stringency, so far as they affect the All-India Services, have or have not, or did or did not receive the sanction of the Secretary of State for India in Council before they were put into actual operation?—Yes. They were issued on the 3rd May, 1932, as rules by the Secretary of State in Council.

2661. So that you consider that even the sanction of the Secretary of State

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in Council and his concurrence in the framing of certain rules is not a sufficient safeguard for you?—We did not think that they operated as such in that case.

2662. May I request you to make that answer clearer? What do your pronouns refer to—"they did not operate as such in that case"?—I have some details as to what the rules were and their results.

2663. So that my question is, that even the Secretary of State and his Council you feel in some cases may not be a sufficient safeguard for you?—In that case, the results of the rules issued under that safeguard we regarded, as we have expressed it as "hopelessly inadequate and inequitable."

2664. In that case, what would you have suggested if you had known previously that such a suggestion might arise? What would you have suggested as your complete safeguard?—There can be no absolutely complete safeguard. The ultimate safeguard is the action of Parliament.

2665. Then let us come to Parliament. You say: "The Associations desire to refer with due restraint to the recent 10 per cent. cut in salaries (now partially restored). The decrease of confidence caused by that measure, as suggesting that the abrogation of even statutory safeguards is not impossible, has been deep and widespread, and has reinforced the conclusion that the practical effect of existing safeguards has not been satisfactory." Was not the cut by Statute of Parliament?—The cut was by Statute of Parliament.

2666. And you object to that?—The existing pay had a statutory safeguard under Section 96(D), the proviso. That safeguard was removed temporarily by special *ad hoc* legislation in Parliament, with a pledge to the Services of full restoration at the earliest possible moment and in preference to reduction of taxation. That pledge, unfortunately, has not been fully fulfilled. Further, the cut has caused grave apprehension in the minds of the members of the Association that other safeguards may be in this way removable by Parliament.

2667. And you want safeguards that should not be removable by Parliament?—That we know is impossible; but, at the same time, we do draw attention

to the fact that the safeguards that have existed in the past have not, in our view, worked adequately and equitably.

2668. May I put this to you: Do not these two paragraphs suggest that, inasmuch as in the past your safeguards have not proved effective even with the protection of the Secretary of State and Parliament, you require safeguards for the future which should not be touched even by the Secretary of State or by Parliament?—No. We, of course, cannot claim exemption from Parliament, but we do claim that, as far as possible, the safeguards now to be instituted should be embodied in the Statute itself or the schedules. We recognise that you cannot have anything more than that. At the same time, our past experience has shown that even those are not absolute.

2669. May I put this to you in this manner: In these two instances of which you complain, the action was taken with the final sanction of the two authorities in whom you wish to vest for the future all the ultimate sanctions and interpretation of the safeguards, but that in the past you have not been satisfied with the way in which these two authorities have interpreted your safeguards?—The way we put it is that, of course, we cannot have infallible safeguards, but nothing short of the safeguards that we have now will be in any way satisfactory.

2670. Then you would be satisfied with the safeguards which place you in the present position, that with the sanction of the Secretary of State or with the sanction of Parliament, those safeguards might be reduced or removed or suspended?—Parliament, of course, can do anything within, I believe, very wide limits. Of course, we perfectly recognise that any safeguards instituted can be removed by Parliament, but, in spite of that, we wish those safeguards to be Parliamentary safeguards, as far as possible, and nothing short of that.

2671. As a matter of legal and constitutional position, I am as much aware as you are, Sir Patrick, that Parliament might do whatever it pleases; it is supreme. What I was putting to you was this: Would you be satisfied with a state of affairs where something that you complain of in paragraph 7 may recur

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under similar sanctions?—I do not know that we should be satisfied with that, but it is the best we can get. We do not want to get anything less than the best we can get.

2672. Now may I put to you one or two questions upon another matter? I am not for a moment suggesting any modification or reduction of pay, but I want to clear up one or two matters in connection with that. When were the scales of pay of the Imperial Services last fixed?—The time scales were instituted, if I remember rightly, by the Commission presided over by Lord Islington, or as a result of that Commission.

2673. When was that?—The Islington Commission, of course, inquired before the War, and there was a very considerable delay in the issue of their Report, owing to War conditions, and so forth. Their Report was issued. Then some few years later the Lee Commission was formed, and made further inquiries. The Lee Commission, if I remember rightly, modified the basic pay in, I think, two Services; they modified the time scale in other Services, and they gave various other concessions, so that, on the whole, I suppose one may say that the present scale of pay generally was fixed after the Report of the Lee Commission, which was issued in March, 1924.

2674. Can you generally inform the Committee how the cost of living in 1924 compares with the cost of living to-day, in 1933?—In India?

2675. In India, as well as in England?—I am afraid I cannot, as regards India, as I left India in 1923, but I have no doubt some of my colleagues can give the information. (Mr. Sale.) It is higher distinctly; largely on account of taxation and import duties, the cost of living of those who live in European style is higher.

Sir Hari Singh Gour.

2676. Has not the cost-of-living index figure reached the pre-War level?—I know from practice that the cost of living is higher. (Mr. King.) The index figure deals with articles of local production; grain, for example, but it does not help us to buy cheaper clothes.

Mr. Zafarulla Khan.

2677. Could you tell the Committee with regard to the cost of living in England

between those two years with reference to questions of exchange compensation, pensions, and so on, the standard prevailing in 1924 and the standard prevailing to-day?—(Sir Patrick Fagan.) I am afraid I do not pay very extensive attention to my domestic consumption, but, as far as I know, it is probably somewhat lower now than it was in 1924.

2678. I shall not press you because, perhaps, you are not under the necessity of paying attention to those details as some of us are.

2679. May I put a question to Mr. Shoovert with reference to what he stated on the basis of a certain extract from the Memorandum submitted by the Government of the Central Provinces to the Simon Commission, which extract has been circulated to the Members of the Committee and the Delegates? Mr. Shoovert, you read out from that extract a certain portion where it was indicated that it was in a certain number of cases that the protection of the Services specially enjoined upon the Governor by the Instrument of Instructions was necessary. Instances are cited. I want to ask you one or two points which the evidence leaves in doubt. At one point you have said that it must be remembered that the Central Provinces Government consists of the Governor, one Indian Executive Member, one European Executive Member, and two Indian Ministers. Would not it be correct to say that that action which was taken in overruling one or other of the Ministers was by the Governor as such and not by the Central Provinces Government?—(Mr. Shoovert.) That would be quite correct, but what I was indicating and what I said was that the Memorandum was submitted by the Central Provinces Government.

2680. I am coming to that. So the actual position was this, that the Governor differed from one Minister or other, whosoever order he was considering, with regard to the merits of the order itself, as between the Governor and the Minister. But the Memorandum is submitted on behalf of the Central Provinces Government constituted as explained by you, and they are saying these are the eight cases in which the Governor interfered?—Precisely.

2681. Is not that the correct position?—That is the correct position.

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2682. So that you cannot urge that the Central Provinces Government as a Government pronounced any opinion upon the correctness of the orders passed by the Governor or by the Ministers. They were not in that Memorandum endorsing the action of the Governor as being correct as against the orders passed by the Minister?—No, I think not, but taken in its context I feel that, on reading that Memorandum, the ordinary reader would have an impression that European officers had been victimized in these cases.

Mr. Zafrulla Khan.] I do not wish to go into that.

Sir Austen Chamberlain.] It is not the impression left on my mind. I have seen too much of the same kind of thing in the British Service.

Mr. Zafrulla Khan.

2683. I do not wish to go into victimisation, unless it pleases you?—It does not please me. That is the point I was trying to make.

2684. If you were trying to make the point about victimisation on the basis of this, that a recommendation of a European officer is not favourably considered by the Governor, will you consider this: That in cases (and whether you know them or not, I assure you there have been cases) where the Government of India has made a recommendation with regard to a European officer, whether with regard to pay or allowances or voluntary retirement and so on, and the Secretary of State has turned it down, would you characterise that as an act of victimisation on the part of the Secretary of State as against that particular officer?—No, I do not think so. The point was that in these cases officers were being deprived of what they had come to regard as rights.

2685. All I wanted to put to you was this, that you cannot carry the case further than this, that the Governor thought that was a case for interference by him, and that we have not sufficient material here, either you or the Committee, with regard to those cases to be able to say that the Governor was right and the Minister was wrong?—Since you put it that way, no; but I still hold that I have made my point, which was to try to justify the fact that we have apprehensions.

2686. I shall not contest that with you, whether you have made your point or not?—But we were rather led into giving these instances because it seemed that proof was needed that our apprehensions were justifiable. We made the point that we had apprehensions and that is what we want to make clear to the Parliamentary Committee. If they are satisfied that we have apprehensions, we have no desire whatever to multiply cases. I wanted to make clear what we were trying to say.

Chairman.] I think we understand your answer.

Sir Austen Chamberlain.

2687. We need not spend a great deal of time on this point. It is within the experience of any of us who have had administrative experience that *bona fide* differences of opinion arise in regard to individual officers with regard to pay allowances, or whatever it is, and it is a constant feature of administration that one authority overrides another without any suggestion of victimisation. I suggest it is not worth while, therefore, to spend any further time on the matter?—May I add one word and repeat that my Association regarded these as cases of victimisation. That is the point. They were all taken up by my Association at the time. It was a good many years ago, I may say.

2688. Has the witness knowledge of cases which were taken up and brought to the knowledge of the Secretary of State in Council and there decided against him?—I have heard of such cases.

2689. Do you allege that those were cases of victimisation by the Secretary of State in Council?—No, we do not in those cases.

Sardar Buta Singh.

2690. I want to put one or two very simple questions to Mr. Shoovert. I would draw his attention to page 62 of the Minutes of Evidence, to a statement which he made there. He said: "For many years past it has been the habit of moderate opinion in the legislative councils to bring up resolutions that the Land Revenue, the greatest form of revenue in most of the provinces of India, at any rate my own, should be reduced

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by amounts up to 50 per cent." I want to know from you, Mr. Shoovert, whether the resolution was to the effect that Land Revenue should be permanently reduced to 50 per cent., or did it relate to a particular year?—No, it was not a case of one year only, generally speaking. Sometimes there has been an argument that it was a year of famine or general scarcity or general hard conditions, and that a reduction should be made temporarily, but the last instance at any rate which I have in mind was a resolution for a permanent reduction. I may add that this resolution was not put. It was talked out, but there is no doubt that if it had been put it would have been carried.

2691. Is the Witness aware that during recent years there has been an abnormal fall of prices of agricultural produce generally throughout the length and breadth of India?—I am fully aware of that as regards my own Province.

2692. Who are the persons who have to pay this greatest form of revenue? Are not they the peasants and farmers in India?—The form of revenue which is the greatest is paid by them, but I hold from experience as a District Officer that in no case in our Province is the Land Revenue excessive. In fact, it is extremely light.

2693. I have never put that question to you whether it is excessive or not excessive. I want to know, is it a fact that the farmers have tried their utmost to meet all these Government demands during these hardest possible times in your Province, because you are talking as well of other Provinces, and I may tell you that they have tried to do so in my Province at least. Do you agree with this or not?—I will answer that question if I am instructed to do so by you, my Lord; but it does not seem to me to be relevant to what we wish to bring out.

Chairman.] I do not think Sardar Buta Singh will want to press you if you do not want to answer.

Mr. Zafrulla Khan.

2694. As I understand the question, it is relevant in this way: The witness's argument was that these were arguments with regard to the future stability of the Provinces, because attempts have been made in some councils to reduce

the Land Revenue which were the principal sources of revenue; and the attempt of Sardar Buta Singh appears to me to be to show that such action is the result of the extraordinary slump in prices and not due to any unwillingness to meet Government demands, because he wants to show that demands have been met as far as the materials permit. That is the relevance, as it seems to me?—I quite see what you mean.

Sardar Buta Singh.

2695. To put it straightforwardly, was it due to any animosity on the part of these taxpayers that they were trying to pass the resolution, or on account of the circumstances prevailing generally in the Provinces at the time? It is a very simple, straight question?—If I answered that question it would lead me into passing opinions with regard to the Legislators of our Province, which would put me in a most invidious position, as you must see, but I would say that the resolutions were generally brought forward about the same time as attacks were made on the so-called high pay of Government officials.

Sir Hari Singh Gour.

2696. Was not it about the same time as there had been failure of crops in the northern districts?—In the northern districts, yes, and in the northern districts there was complete remission for 1½ years and suspension for the rest of the time.

Mr. Rangaswami Iyenger.

2697. Is it not a natural feeling on the part of the agriculturists that when they are unable to pay the Land Revenue some reduction of salaries should be made?—I do not see that that is relevant. (Mr. Sale.) As an ex-official Member of the same Legislature as that of which Sardar Buta Singh was Deputy President, I entirely agree with what he says, that there was no animosity and as far as the Punjab was concerned, these resolutions were brought forward because the agriculturists were severely hit by the slump in prices. That does not alter our evidence.

Sardar Buta Singh.] I am much obliged.

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Sir Manubhai N. Mehta.] I will ask Sir Patrick Fagan whether, in his judgment, the position of English servants in India is that of aliens, or does he not consider them aliens.

Sir Samuel Hoare.] That is surely a matter of opinion.

Sir Manubhai N. Mehta.] I am asking Sir Patrick Fagan what in his opinion is the status.

Chairman.

2698. If Sir Patrick has no particular views on that point I hope he will say so?—(Sir Patrick Fagan.) I do not think it is a matter which I can at all usefully discuss.

Mr. Zafrulla Khan.] The witness has already said they are aliens, on page 61, column 2, of this transcript.

Sir Manubhai N. Mehta.] Sir Michael O'Dwyer protested against this description and said: that they were not aliens: that they were no more aliens than the Muhammadans who invaded and settled in India and the Hindus who invaded and settled in India. I wanted to ask Sir Patrick Fagan what, in his opinion, was the position of Englishmen serving in India.

Chairman.] I may observe that we have just the same difficulty between England and Scotland, and the matter is still under discussion.

Sir Manubhai N. Mehta.

2699. Does Sir Patrick Fagan know that in most of the Indian States there are no exchange compensation allowances, no overseas payments? Does he know that?—I take it from you; I have no personal knowledge on the subject.

Chairman.] Are you leading up to a point in the witness's Memorandum? I hope I follow it.

Sir Manubhai N. Mehta.

2700. According to my view, this claim to exchange compensation allowances when there is disparity in the exchange value is not claimable by Europeans or Englishmen serving in India, and if, in Indian States, their non-payment does not cause any inconvenience to recruitment, I do not see that much can be made of this?—All I can say in answer is that it is in accordance with previous practice. The exchange compensation allowance has actually been given in the past.

2701. That has not been the uniform practice in India?—It has been the uniform practice with the Indian Government.

Lord Eustace Percy.

2702. I should like to clear up the point about the exact nature of the proposal made or supported in regard to the Governor's special fund for payment of civil servants. Am I right in this: The salaries of the officers for whom you speak will be non-votable by the Provincial Legislature?—Yes.

2703. Your contention is that salaries which are non-votable by the Legislature should be charged on a special fund?—We have not referred to a special fund in our representation. It was put to me: "Do you agree with the suggestion made by another witness on another representation?" I have only said that I thought the proposal quite a reasonable one.

2704. I quite realise that, but I am only trying to bring out what is the real nature of that proposal which appears to you to be reasonable?—The essence of it is, as has been put by one of my colleagues, that we think that mere budget provision is not sufficient. There must be actual funds. If the mere budgeting for a sum produced that sum we could all be wealthy in a few minutes, but what we fear is that the mere power to budget is not the same thing as having that amount actually to disburse, and the idea I understand of Sir John Kerr's, with which I generally agree, is that actual funds should be in hand for the disbursement of salaries as they fall due.

2705. Yes, but what I am trying to bring out is this. Sir Rurshotamdas Thakurdas was under the impression that this proposal was utterly unprecedented in any Parliamentary Constitution, and I was anxious to ask whether you are really proposing anything really different from this, that charges which are not borne on the Estimates but are borne in this country on the Consolidated Fund, should be paid, as they are in this country, out of a special fund like the Consolidated Fund constituted for that purpose and for no other purpose?—If I may say so, I think that is a very excellent description of what the proposal is.

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Sir *Purshotamdas Thakurdas*.] That is different from the suggestion made by Sir John Kerr.

Chairman.

2706. Have you replied to Lord Eustace Percy's question?—Yes. I thought the description he gave of the proposal was a very excellent one and was what Sir John Kerr had in view.

Sir *Purshotamdas Thakurdas*.] The noble Lord referred to my question to the witness, and I am quite entitled to make the position clear, which does not appear to have been clear to the noble Lord. My position was that Sir John Kerr asked and suggested that the amount should be paid in on the 1st of April, or in two or three convenient instalments thereafter. That is the point my noble friend misses.

Lord *Eustace Percy*.] I do not want to delay the Committee. I think, if Sir *Purshotamdas* and I want to argue about the true nature of the Consolidated Fund in this country, we had better do it outside this room. I only wanted, if possible, to avoid what seems to me to be calculated to delay our proceedings greatly, if we try to magnify differences instead of trying to minimise them; and I have carefully read Sir John Kerr's evidence since I perhaps rather rudely interrupted Sir *Purshotamdas* some time ago, and all I can say is that I do not think his interpretation is justified by that record of evidence and I have tried to bring out what I think to have been Sir John Kerr's intention. That is all.

Sir *Purshotamdas Thakurdas*.] All I will say is that I am quite prepared to discuss it with any Member of the Committee at any time, but, as far as the record here is concerned, I wish to have it on record that I still think that my construction of Sir John Kerr's evidence is the correct one. We will now settle it outside.

Sir *Reginald Craddock*. I want to know whether the Association has any suggestions to make regarding European Government servants who do not belong to the All India Services. I understand that some of the Europeans in that position are members of this Association. Is that the case?—There are a few members of the All Indian European Association of Government servants who are not appointed by the Secretary of State.

They are, I believe, very few, and our general position about them is that as far as possible they should have (as far as conditions permit) the same sort of safeguards as we are asking for for officers who are appointed by the Secretary of State, but, of course, the general dangers, or matters in which they would ask for safeguards, would be very much the same as those in respect of which we have asked for other officers.

2707. There was another point that was raised regarding the anxieties of the men in the Services in respect of fair treatment in the future; there was a question raised in respect of the 10 per cent. cut. I would like to put to you that the position was this, that the Services felt that the Secretary of State guaranteed that the cut was absolutely unavoidable, and that the cut would be restored as soon as finances permitted. That was some security to the Services that Parliamentary sanction to a temporary withdrawal of a particular statutory protection was made on those terms, that is to say, the Secretary of State was able to explain to Parliament that in his opinion the cuts were absolutely necessary. You were cross-examined as to what you would do, and what safeguards you would want if the safeguard of Parliament failed, but I am putting it to you that your feelings regarding that failure were considerably mitigated by the fact that the Secretary of State was assured that the cuts were not due to political pressure, and were unnecessarily imposed, but that they were really necessitated by financial stringency; that they could not at the time be avoided, but directly they could be avoided they would be restored?—Yes.

2708. Is that correct?—The position is that the existing pay had a statutory protection under the proviso; that protection was temporarily removed, with a pledge to the Services of full restoration at the earliest possible moment, and in preference to reduction of taxation. That pledge the Services consider has not been fulfilled. I have certain correspondence recently received by me which I can read on that point. Further, the cut has caused great apprehensions in the minds of the members of the Association that the in-

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creased scale of future expenditure, which the proposed Constitution will apparently entail as a necessary consequence, may result from time to time in a recurrence of the financial conditions in which a similar cut will be regarded as inevitable.

Chairman.

2709. Is not all this in your Memorandum?—Very much so.

2710. I am not quite sure where the question is leading. It seems to me this is very much what is contained in your Memorandum?—The Services felt that the crisis which necessitated the cut was very largely due (not entirely) to the decrease in revenue which had been caused by political troubles, and they are, of course, apprehensive that a similar occasion of that kind may recur in the future, and a recurrence of the procedure by which their statutory protection under that proviso will again be removed by legislation.

Sir Reginald Craddock.

2711. That is to say, it gave them some apprehension as to what might happen in the future?—Very much so.

2712. And if that happened under the present Constitution, whether it was not much more likely to happen under the new one?—Yes, the feeling was, if this happens under the present Constitution, what are we to look for under the one which is coming, in which the expense, and so forth, will be much greater, and in regard to the financial stability of which, as we have stated elsewhere, the Services do not feel the confidence which is felt in other quarters.

2713. There is another point upon which I would like to ask you a question. I am not definitely putting it only to you, Sir Patrick, if any other witness would like to answer it. The real fear, I gather, is not so much a want of confidence in the Ministers themselves or in their good intentions to members of the All-India Services and to Europeans as that they fear the pressure of legislatures; that is to say, you might be able to trust the Minister in his position to carry out his own wishes in the matter, but that he might be overborne by the influence of the legislatures and by the attacks in the Press?—Those certainly are two of the sources of pressure which we very greatly appre-

hend, political pressure in the Legislature and the pressure exerted by the Press. Those two are certainly conspicuous categories of the kind of social, communal and other kind of pressure which are exerted on Indian public authority.

2714. You may remember, perhaps, that when the proposals of the Lee Commission were being considered by the Government of India, a Resolution was moved and passed in the Indian Legislative Assembly negating the relief proposed by the Lee Commission?—I do not remember it myself; I was not in India at the time. I dare say some of my colleagues do. (Mr. Shoovert.) It was a fact.

2715. That kind of attitude on the part of the Legislature might possibly explain your anxiety in the case of Ministers lest, now that they are more responsible to their Legislatures than they have been before, they would be overborne in that way?—(Sir Patrick Fagan.) Certainly. That contributes, I think, very substantially to those apprehensions which I have expressed.

2716. There have also been cases, I think—I am not referring now to the security Services only, but to other Services, in which appointments have been done away with and public works, for example, have suffered by the reduction of engineers, and so on?—Yes, I have heard of those cases.

2717. Have there been any similar reductions or abolition of posts in any other of the Services?—In the Forests Service. (Mr. Newman.) There have been very large reductions in the Bombay Presidency in the Forests Service.

2718. I am speaking of the technical posts in the higher appointments?—A large number of attempts have been made to reduce appointments in the Forests Service in Bombay. None of them has yet been brought to a conclusion. (Sir Patrick Fagan.) I, only a day or two ago, received a telegram speaking of the three posts of Conservator of Forests, recently abolished or held in abeyance. There have been certain cases both in the Public Works and in the Forests Department. I cannot speak definitely about others, but Mr. Shoovert has a list, I think, of those in the Central Provinces. (Mr. Shoovert.) We have had very heavy reductions in the

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Central Provinces recently. In the Public Works Department the post of one chief engineer was abolished, and the posts of two superintending engineers and several divisions under executive engineers were abolished. In the Indian Civil Service one post of Commissioner was abolished; three posts of Deputy-Commissioners were abolished upon the amalgamation of districts. The post of Excise Commissioner was amalgamated with that of Settlement Commissioner. Two of the Settlement Officers were abolished; three posts of District Judge, one of Under-Secretary, and temporarily that of Senior Registrar of Co-operative Societies went. I do not know if that is an exhaustive list, but that is a list of reductions in my own knowledge in the last 18 months or 2 years.

2719. Those abolitions and reductions have seriously interfered with the prospects of the men in the Service as they thought they were when they entered that Service?—(Sir Patrick Fagan.) That certainly would be so. (Mr. Shoebert.) If I may say so, that is why we have laid special stress on compensatory posts in lieu of posts or posts which are so abolished.

2720. Then there is a certain provision in the present Regulations by which an Officer who has held a post such as that of Superintending-Engineer, or even a higher post, Director of Public Construction, and so forth, is entitled to a higher pension, provided that his service is pronounced to be satisfactory. That is the case, is it not?—(Sir Patrick Fagan.) That is so.

2721. Have there been cases of dissatisfaction in respect of the higher pension not being allowed?—Cases have occurred in the Central Provinces, and, I believe, in Bengal, too. I cannot speak definitely of the other Provinces; but that is a matter of very grave apprehension to the Association, in view of what has actually taken place.

Sir Austen Chamberlain.

2722. Would Sir Reginald mind making clear to a man who is not as learned as himself, would an Officer who felt himself aggrieved, in the cases he is speaking of, have had an appeal to the Secretary of State?—I do not think in a case of that kind any appeal would be open to them. The superior post would be

abolished. I do not think an Officer whose prospects were prejudiced thereby would have any appeal upon that ground.

2723. I thought the case Sir Reginald put was the case of a definite refusal to an Officer who had not been given the same increase of pension to which that Officer thought himself entitled?—Yes, if his service was disapproved, then he would certainly be able to memorialise, and I think he would have an appeal.

2724. To the Secretary of State?—He can only memorialise, I think.

2725. Can anybody speak confidently about whether a case of that kind could be brought by an aggrieved Officer, or an Officer who thought himself aggrieved, to the Secretary of State?—I think it certainly could be brought.

Sir Samuel Hoare.] The position would be as follows: First of all, the question of the retrenchment of the posts would have to come before the Secretary of State, for the Secretary of State's approval. Secondly, the case of an aggrieved officer who had been awarded less than the maximum pension would also have to come up to the Secretary of State.

Sir Reginald Craddock.] The wording of that Regulation was, I think: "If in the opinion of the Local Government," and that, as far as my experience goes, decided the issue.

Sir Samuel Hoare.] No, the retrenchment of posts would have to have the approval of the Secretary of State.

Sir Reginald Craddock.

2726. The retrenchment of posts, so far; but I do not know how far it would continue under the White Paper. (*To the Witness.*) At any rate, anxiety is felt with regard to those cases?—Very much so.

2727. Those are cases in which the opinion of the Local Government is, I may say, all important?—Certainly, the approval or disapproval lies with the Local Government.

Sir Samuel Hoare.] As a matter of fact, Sir Reginald, I do not think that is quite a complete statement of the case. Representations from officers who have been awarded less than the maximum pension do come to the Secretary of State, and I am informed that we have two or three of them under examination at the present moment.

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Lord Winterton.] I think we ought to have this point cleared up; it is very important. I understand that the questions Sir Reginald has been asking related to the abolition of certain posts. I understand that in all those cases the prior sanction of the Secretary of State has been obtained.

Sir Reginald Craddock.] The question is whether that prior sanction will still be required.

Lord Winterton.] I have brought that out that your question related to posts which have already been abolished.

Sir Reginald Craddock.] It related to the pensions which are held out to officers who have held certain ranks, and which are given contingently on what is called approved service, that is to say, that their service has been distinctly good.

Earl Winterton.

2728. I understood that you referred to certain posts which had been abolished in certain Provinces?—(Sir Patrick Fagan.) If I may explain, there are two questions. One question is the abolition of superior posts, with regard to which we ask for compensatory posts. The second is the question of approving service in certain higher posts for a certain period, and an extra pension is contingent upon that approval being given. If the service is not approved, then the pension is not earned; if it is approved, then the extra pension is given. There are the two separate questions. I think Sir Reginald is now on the question of the approved service, and that service is approved or disapproved by the Local Government. If it is disapproved, of course, the pension is not given. Then the aggrieved Officer has a right of approaching the Secretary of State with a memorial, if the decision of the Local Government has been against him; there is no actual appeal in that form except the memorial.

Sir Reginald Craddock.

2729. There is a memorial which may be made, but, as a matter of fact, when the wording of the Regulation is "in the opinion of the Local Government," it is necessarily much more difficult for the Secretary of State to upset that opinion than it would be in the case of an appeal against dismissal?—I appre-

hend that the opinion of the Local Government would naturally carry very considerable weight.

Sir A. P. Patro.

2730. In explanation of the position, I may say that when I was Minister in charge of Public Works, there were three cases, one of a Superintendent Engineer and two Chief Engineers, which came up. In every case it was the finance member of the Finance Department, which is in charge of an Indian Civil Service Officer; on three consecutive occasions the Finance Department examined whether these were special services, and in all such cases the recommendation of the Finance Department is considered by the Minister and the Governor; and in all cases we found there was no justification for the higher pension claimed by those Officers, and their memorial was rightly rejected by the Secretary of State. Therefore, these cases are really extraordinary cases; the case has to deserve special merit; therefore, they are not ordinary cases. Every Officer can claim as of right, but it is an extraordinary case; there must be special circumstances to justify the claim for special pension?—(Sir Patrick Fagan.) I do not think the question is whether there has been any special merit, but whether the service has been of a high character.

2731. Yes, of a specially high character?—No, I will not agree to that—certainly not.

Sir A. Patro.] More than the average.

Sir Samuel Hoare.

2732. My Lord Chairman, a good many of these questions I should have thought would be much better addressed to the Secretary of State on the Order Paper in the House of Commons; they deal with the existing administration. But in two sentences let me say this, that all memorials of this kind come through to the Secretary of State from the Government of India and in no case are they stopped on their way. That is the present position. As to the future, I would ask Sir Reginald Craddock to look at paragraph 186 of the White Paper; he will there see specifically set out: "An award of pension less than the maximum pension admissible will require the consent of the Secretary of State." That, I suggest, covers a good

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many of the points just raised by Sir Reginald?—(Mr. King.) One thing that has caused misapprehension over that is that we do not quite understand what is meant by the "maximum pension admissible." Does it include the higher administrative pension or not?

Sir Samuel Hoare.] The answer is "Yes."

Sir Joseph Nall.

2733. Arising out of the abolition and reduction of posts, have those reductions or abolitions taken place in the course of a re-organisation and general reduction of personnel or have they arisen owing to the substitution of Indian Officers in those appointments?—(Sir Patrick Fagan.) No, not the reduction. (Mr. Shoobert.) They have taken place, at least in our Province, in reduction of personnel, not by substitution at all. They affect both Indian Officers and British Officers.

2734. Taking it generally, so far as the reductions have been taking place, have they been mainly in the transferred Services or in the Reserved Departments?—In both. (Sir Patrick Fagan.) In the Central Provinces they have been in both. (Mr. Shoobert.) I might explain, if I may, that most of the reductions were in the Indian Civil Service posts. They affect also the Provincial Civil Service, and there were a number in the Public Works Department, the Irrigation Branch of which is still reserved. The Roads and Buildings Branch is transferred; so that the reduction is in both Departments.

2735. Have the Witnesses had regard to the proposals to create at least two new Provincial Governments? Will those proposals lead to an aggregate increase in the number of Officers employed, or will the organisation of those new Governments merely correspond in numbers with the number of Officers at present employed in relation to the Services in those proposed to be reconstituted territories?—As a matter of fact, Sir, a few Officers from neighbouring Provinces might be absorbed in higher posts in the new Provinces; but the difficulty of language will generally prevent Officers from other Provinces getting any compensatory posts in the new Provinces. That is really what you mean, is it not?

2736. So that generally the personnel of the new Provinces will have to be recruited from Officers who are at present concerned in the same territory?—Precisely, owing to the difficulty of language and the differences in the revenue law in different provinces.

2737. And the total of the personnel required for the newly proposed Governments will not necessarily increase the aggregate posts available to the Services?—No.

Lord Rankeillour.

2738. I am not quite clear whether the point you made about abolishing posts was the same as was made by Sir Charles Fawcett, Sir John Kerr, and others, as to compensation for disappointed expectations owing to the reduction of posts?—(Sir Patrick Fagan.) Yes; that is almost precisely the same point.

2739. But they were arguing that there should be some general rule on the matter. You are dealing with applications for individual increases of pensions in individual cases?—No. As regards the compensatory posts, what we ask for is this supposing the two posts are abolished in the administrative grade, their salaries would disappear; we ask in compensation for that that two posts in the time scale grades should have their salaries raised to the general level of the salaries of the abolished posts. We do not ask for the creation of any new posts at all. Practically, what it comes to is, we ask for an increase of salary to an equivalent number of posts in the next lower grade.

2740. Because the probability is that one of those Officers would have succeeded to a higher post?—Yes.

2741. It is the same point then?—Yes, it is the same point.

2742. Now with regard to the point brought out by Lord Eustace Percy, perhaps it is not quite in your Department, but can you tell me what Officer in the Indian Treasury, if I may call it so, is responsible for the actual issues of money from the Indian Exchequer?—I can only speak of my time. The great part of the issues were made in the districts and against sanctioned and approved budget estimates or other sufficient authority.

2743. But they were made from a Provincial Treasury?—From the District Treasury.

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2744. Was there any Officer in the District Treasury who was actually responsible for those issues?—Yes, the Treasury Officer; the Collector or Deputy-Commissioner ultimately, but the Treasury Officer was his assistant in charge of the Treasury.

2745. And supposing by some carelessness an amount had not actually been issued, whose business would it have been to put it right—say, a salary not issued?—The recipient, I imagine, would have made a claim for it, if it had been refused.

2746. All I want to get at is, supposing a payment were not made, whose business would it be to put it right?—(Mr. Sale.) The Accountant-General of the Province.

2747. Would that apply, do you think, to issues from the Central Treasury?—(Sir Patrick Fagan.) The Accountant-General would, no doubt, be the official.

2748. Does he have that duty among his other functions, the same as the Comptroller and Auditor-General in England, do you know?—(Mr. Sale.) There is an Auditor-General in India, and there is also an Accountant-General of the Central Revenue.

2749. In default of the usual Officer, he could order the payment to be made?—The Accountant-General would order the payment to be made, if it were an authorised payment.

2750. Has the Accountant-General a status like that of the Comptroller and Auditor-General in England standing outside the ordinary hierarchy of the Government?—There is an Auditor-General in India who stands completely outside the hierarchy of the Government. The Accountant-General in the Provinces does not do so to the same extent, because he is under the orders of the Local Government.

2751. Under the doubts that have been expressed, would you be satisfied with the powers of the Auditor-General to issue payment for your statutory claims?—The Auditor-General cannot make any issue; he is simply an Audit Officer.

2752. The Accountant-General?—He could put it right, but he is subject to the audit of the Local Government.

2753. But there is no Auditor-General with powers to insist upon payments being made?—He can only criticise.

2754. Supposing there were a default in payment, he could not order the payment to be made?—I am not aware that there are any legal or statutory powers to do so. (Sir Patrick Fagan.) Our main apprehension is that, in spite of budgets and auditors, and the orders to pay, the money will not be there for him to utilise. That was the main idea at the bottom of Sir John Kerr's proposal, that the money should actually be there to be operated on, according to the schedules of pay, and so on.

2755. Presumably if the debt was a statutory one, the credit of the Indian Government would not be so low that it could not raise what was necessary by Treasury Bills, or otherwise. Is not that so?—The main object of the proposal was to secure the actual existence of sufficient funds to defray salaries and allowances as they fall due.

2756. As I gather from your colleague there is nobody outside the Government at Delhi who has the power to order payment to be made in case of any default?—(Mr. Sale.) That is so.

2757. Is there nothing corresponding to the Consolidated Fund in England?—I understand not.

Chairman.

2758. We are greatly obliged to you gentlemen. Thank you very much. Is there anything more you desire to say?—(Sir Patrick Fagan.) There are one or two questions I should like to refer to. First is the question of existing and accruing rights to which we attach great importance, and on which we have an Appendix; and also, of course, on the general subject of security of pensions which is a matter of very grave apprehension, and we desire the utmost possible protection as regards them. We have outlined in paragraph 11 what is it we ask for, and I have tried to put the matter more clearly in my opening remarks, and I do, with great deference, venture to commend that part of our representation to the very careful and very sympathetic consideration of this Committee. That is one matter on which we are specially solicitous, the matter of pensions. I have referred to the subject of accruing rights. Another very important matter was the compensation gratuity in the case of premature voluntary retirement.

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I rather expected that that would be challenged on the ground that it was a voluntary retirement. I have given some reasons in my opening remarks in support of the claim, and I was prepared to quote a passage from the Report of the Milner Commission as regards the same sort of question in the Egyptian Service, where they very emphatically express the opinion that voluntary retirements should be treated actually on the same basis as compulsory retirements. We are only asking for half the compensation gratuity in the case of voluntary retirements as compared with the case of compulsory retirements. Compensatory posts have also been dealt with, and also the Governor's sanction as regards suits. Those, I think, are the only points I would wish to stress in concluding our evidence, and it only remains for me on behalf of my colleagues to thank you, my Lord, very much for the very careful and sympathetic way in which you have listened to us.

Sir Austen Chamberlain.

2759. I think it is only fair to the witness to say that his reference to the Egyptian precedent is not one which carries conviction to my mind. I think the public interests suffered very severely by the provisions which were introduced at that time. I thought it only fair to say that?—I note what Sir Austen has said. We are claiming much less than was recommended by the Milner Commission, but that was, at all events, a pronouncement of an influential body, and I was going to quote it merely to show that our claim was not unreasonable. Might Mr. Shoobert make one or two remarks about the existing and accruing rights? It is a matter to which we attach very great importance. (Mr. Shoobert.) My Lord, I am very sorry to trespass upon your time, but I am speaking now on behalf of the younger members of the Services and also on behalf of the younger Indian members of the Services some of whom I have consulted in my own province, at least, in this matter, and that is the matter of existing and accruing rights. Proposal 104 in the White Paper refers to existing rights, but it omits altogether any mention of the word "accruing" rights, although that is included in Appendix No. VII to the White Paper.

Our Appendix No. III deals pretty thoroughly with the case, but I understand that in this claim, or this request, which we have made for compensatory posts, the Indian Civil Service Association did not seem to meet with very much sympathy, and I wanted to make it quite clear why we are asking for these posts. The average man who goes into the Civil Services in India, whether he be Indian or European, is a man with a considerable amount of ambition, and he goes out wanting to do a good job of work, and to help India on as best he can. If he has nothing further to look forward to when he reaches a certain stage in his service it is obviously going to be detrimental not only to his own interests, but also to the Government which he serves. At the present stage we see Commissionerships being abolished, Superintending Engineers being abolished, and other posts being abolished, and it naturally fills us with apprehension for the future. We cannot now look forward to gaining high offices, such as those of Governor or Member of the Council, or receiving Knighthoods, and so forth, and it seems to the younger members of the service that the least they can look forward to in equity is to get some financial compensation, which will be little enough for their thwarted ambitions. An argument we wish to meet (it was put to Sir John Kerr when he headed the Indian Civil Service deputation) is that there will be no saving if these compensatory allowances are made. There will be a real saving. All we are asking for is an allowance for the senior posts on the ordinary time scale to compensate for loss of the superior posts above the time scale. You will be saving the pay of the top posts, and if, say, two posts at the top are abolished, you will be recruiting two less men to the ordinary cadre. Therefore the saving will be unaffected almost by the allowances given. We are very keen on this point of compensatory allowances. There has been a good deal of talk amongst the younger members of the Services because they have felt that the older members cared very little except for their pensions and Family Pensions, and we were being left out in the cold. Most of us wish to finish out our careers in India, at any rate the people who are approaching middle age now wish to finish their

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careers in India, and to make the very best job possible of the future Indian Constitution, to serve the future Indian Government as well as ever we can, and it seems to me that if you give people a certain amount of incentive to work up to something, it is going to be an economic proposition, otherwise you will get a very great many people going away as soon as they can, on proportionate pensions, who would otherwise have given the very best service they could. I am afraid this is rather in the nature of an oration, but I wanted to make our point clear.

Earl Winterton.

2760. May I ask a question arising out of this statement. I would like to ask the witness whether in these consultations which he has had with his colleagues he has taken into account conditions prevailing in other Services of the Crown in different parts of the world. Can he point to any precedent, for example, of the Army, Navy or Air Force, where the abolition of posts has been compensated in that way?—No, I cannot point to any, but may I say that the conditions of service are rather different in India.

2761. That was not my point?—Quite.

2762. I was not concerned to discuss the matter. I was going to ask you, if you could do so, to send me, or the Committee, a Memorandum on the subject?—Very good.

Marquess of Salisbury.

2763. May I with reference to that ask whether the witness did not say that it would militate against the future enlistment and recruitment of officers if they were not treated fairly and generously on the present occasion?—I did not say it would militate against their future recruitment. That is not for me to say. I did say it would militate against their efficiency, in my opinion. A man needs to be extremely high-minded to carry on indefinitely as, say, a Deputy Commissioner carrying on the same job for 20 years.

Lord Eustace Percy.

2764. All you are asking for is the application of the common maxim in every organised service, that the higher posts must bear due relation to the number of persons in lower posts in order to get a proper ladder of promotion?—Precisely, but the point was that if, for instance, four Commissioners were abolished, although the job of Commissioner will disappear, naturally the responsibility will be divided amongst the various Deputy Commissioners, and the four senior men, given that they are efficient, should be given compensatory allowances. That is only an example from my own service.

[Chairman.] Thank you, gentlemen. We are very grateful to you.

(The Witnesses are directed to withdraw.)

Ordered: That this Committee be adjourned to Tuesday next,
 at half-past Ten o'clock.

DIE MARTIS, 27^o JUNII, 1933

Present:

Lord Chancellor.
Marquess of Salisbury.
Marquess of Zetland.
Marquess of Linlithgow.
Marquess of Reading.
Earl of Derby.
Viscount Burnham.
Lord Ker (Marquess of Lothian).
Lord Hardinge of Penshurst.
Lord Snell.
Lord Rankeillour.
Lord Hutchison of Montrose.
Major Attlee.
Mr. Butler.

Major Cadogan.
Sir Austen Chamberlain.
Mr. Cocks.
Sir Reginald Craddock.
Mr. Davidson.
Mr. Isaac Foot.
Sir Samuel Hoare.
Mr. Morgan Jones.
Sir Joseph Nall.
Lord Eustace Percy.
Miss Pickford.
Sir John Wardlaw-Milne.
Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.
Nawab Sir Liaquat Hayat-Khan.
Sir Akbar Hydari.
Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
Sir P. Pattani.
Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

Sir C. P. Ramaswami Aiyar.
Dr. B. R. Ambedkar.
Sir Hubert Carr.
Mr. A. H. Ghuznavi.
Lt.-Col. Sir H. Gidney.
Sir Hari Singh Gour.
Mr. Rangaswami Iyenger.
Mr. M. R. Jayaker.
Mr. N. M. Joshi.
Begum Shah Nawaz.

Sir A. P. Patro.
Sir Abdur Rahim.
Sir Tej Bahadur Sapru.
Sir Phiroze Sethna.
Dr. Shafa' at Ahmad Khan.
Sardar Buta Singh.
Sir N. N. Sircar.
Sir Purshotamdas Thakurdas.
Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Colonel the Rt. Hon. JOSIAH WEDGWOOD, D.S.O., M.P., a Member of the House of Commons, is further examined, as follows.

Chairman.

2765. Colonel Wedgwood, since your last appearance before the Committee, you have been good enough to provide us

with a Memorandum which is numbered 28, and which deals with proposals for the Centre?—Yes, it is as follows:—

MEMORANDUM 28 By RT. HON. JOSIAH C. WEDGWOOD, D.S.O., M.P.

PART II.

Proposals for the Centre.

I dealt in my previous evidence with the objections to the proposed constitution of the Assembly. I said I would prefer the Centre unchanged rather than the finality and abdication of the White Paper, with an Assembly chosen as there laid down.

But I put forward proposals for the constitution of an alternative Assembly,

alternative not merely as to the composition of the Assembly, but also as to its powers and permanence.

We want, if possible, better members—less bitter; more responsible—to the State; more decentralisation; fewer paper safeguards; a further stage and I conceive that "Dominion Status" would be more accurately translated by the proposals that I make rather than by those in the White Paper.

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[Continued.]

Better and fewer members.

1.—(a) Only those Indian States with representative institutions and/or a civil list should have representation in the Assembly. Their M.L.A.'s. should be indirectly elected by the representative institutions and not nominated. Generally, the Prince would be so elected, but it would be the best Princes anxious for public work, who have by the grant of institutions shown their willingness to co-operate in democracy.

(b) Nominated (temporary) M.L.A.'s. for the communities, etc., scheduled castes, Labour, Hill Tribes, Anglo-Indians, Christians, etc. These would be nominated by the Government. They would be less bitter, more trained specialists; the 21,000,000 Hill Tribes might well be represented and protected by English anthropologists. Paper by T. C. Hodgson, Wm. Wise, Professor of Social Anthropology, Cambridge, put in.

(c) A large (temporary) British nominated element delegated from and elected by both Houses of Parliament. This would certainly not be regarded as an insult to India if there were a parallel delegation from the Indian institutions in the Lords and Commons here. Here it might well be the beginning of a true Imperial Parliament. In both countries it would break down the caste bar between European and Indian, on which all hope of mutual respect and comfort depends.

(d) British officials (temporary) mainly from the Provinces, Governors or Chief Secretaries.

(e) The bulk of the M.L.A.'s. to be elected by the legislative councils of the Provinces on a P.R. basis. Generally, the leaders and ministers of experience would be elected and the prohibition of an M.L.C. being also an M.L.A. should come to an end.

More Responsible.

2.—(a) M.L.A.'s. from the Indian States would obviously be more responsible.

(b) The nominated M.L.A.'s. would be more responsible at least to the Governments that nominated them and might not re-nominate them. Being less extreme, they might also in that sense be termed more responsible.

(c) Those representing British democracy—Ambassadors liaison—would be more responsible than nominees. A

General Election in India would terminate their mandate. They would teach India at least as much about England and our methods as the Indian members here would teach us about India and India's feelings.

(d) The M.L.A.'s. elected by and coming from the provincial councils would be responsible to their council and to the wider electorate of their Province. Their own Province would be their care, not the easier National Congress politics of the White Paper M.L.A.'s. Generally, the councils would choose some of themselves as M.L.A.'s., i.e., men who already had experience of self-government.

More decentralisation.

3. India is not the U.S.A. nor Australia, but a mass of peoples and cultures as widely differing as Europe. I would delegate to the responsible States and Governors' Provinces all that is delegated in Australia to the various States.

I would carry the decentralisation further and delegate from provincial council to district board and from district board to village council, establishing village councils and giving them some power. In self-government first things must come first, and you can only teach the art from the bottom. The smaller the unit the more quickly can elector and elected learn responsibility and see the results of their collective action. To the Indian, taxation is an act of God from which he sees no advantage, but the village cess spent on roads or education within his sight teaches him Swaraj, and for the first time enables him to see the actual advantage of community payments.

It will be remembered that Mrs. Besant's scheme for home rule was based upon the reconstruction of the village councils, and on representation spreading upwards from these units. If I may, I will put in a paper written by Mr. John B. Raju taken from his book now being published. He is on the education staff of the Central Provinces.

More decentralisation would enhance the importance of the provincial council as of the subordinate councils. You would get better men on these councils.

Generally, officials everywhere dislike decentralising their powers. They know that the more power and influence enjoyed by the individual, the less is the power and influence enjoyed by the State. They say, and it must always be true at

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[Continued.]

first, that there is less efficiency and possibly more corruption in the smaller units, but all those who really want Swaraj, whether here or in India, know that this is the only way to learn and improve. A British official as Chairman of each district board would be a mitigation, and might be an education, at least for a time.

If it be said that you cannot decentralise in India because it would mean Balkanising the country, creating independence in units too small for successful administration, I would notice that Ceylon is less than one-fifth the size of Madras, that the various islands in the West Indies enjoy more decentralisation than any Indian Province, and that Burma, by no means the most advanced politically of the Indian Provinces, is being separated from India far more definitely than any Indian Provinces would be under these proposals of "Australian Federation."

Fewer Safeguards.

4. No paper safeguards should be necessary for British interests if the British element is large enough. The same applies to Hill Tribes, non-Governor's Provinces, the religions (including Communism), Castes and Labour if the nominated element is big enough and the provincial electorate wide enough.

"Paper safeguards" safeguard nothing except irresponsible politicians who can leave it to someone else to shoulder unpopularity. The best safeguard for all concerned is to have M.L.A.'s who risk abolishing themselves. I would compare, for instance, the loyalty of Tory Members of Parliament in the Division Lobby when threatened with a General Election—a loyalty which, however, is by no means confined to Tory Members of Parliament.

5. The Assembly that I propose might be constituted, therefore, somewhat as follows:—

From the Indian States perhaps ...	10
Nominated temporary M.L.A.'s, say	40
The British element from Lords and Commons	30
British Officials	10
Indirectly elected by the Legislative Councils	70

6. This would obviously not be the final stage of Indian home rule, but the next stage forward need not depend on the British Parliament. It can safely be

left to the Indians themselves to decide when the next stage shall come, when the safeguards of nominated members can be withdrawn. When the minorities, religious or otherwise, no longer demand in India that special protection which a long tried faith in our Parliamentary institutions have shown similar minorities in this country to be unserviceable, then the next step can be taken. When the minorities feel safe by a suffrage control over their governors, by that time England, too, will be quite ready to withdraw their safeguard delegates from the Assembly. So that the next step forward would come by the determination of India itself to abolish those members of the Assembly marked in the above list as temporary.

It is really not impossible to contemplate such a change in the views of Mohammedans or Sikhs in India. Already the Trades Unions include all castes and creeds without distinction. There is little segregation or distinction drawn before the law, and we have seen in a few short years in our own time the whole aspect and attitude of a Moslim country change by the personal influence of one man. Democracy plus education have a perfectly good chance in what used erroneously to be called the Unchanging East.

PART III.

Criticism of and Proposals for the Provinces.

At present only the richer 15 per cent. of the population have votes, and any reform depends not on the council with its moderately wide franchise, but on an Assembly of acutely conservative character.

A much wider franchise is given in the West Indies, in Ceylon and in Burma to peoples perhaps less advanced in civilisation. This wider franchise is refused to the people of Madras solely on the grounds of the immense constituencies and enormous electoral roll that would be involved. These immense constituencies are the result of splitting up the electorate into different communities, and of the device of reserved seats adopted to meet other communal demands. I would observe that both the communal electorate and the reserved seats are demanded not by English public opinion, but by rich and mistaken Indians, and it is not our duty to put forward a scheme which we think bad because it is demanded by

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a minority only of the people for whom we are legislating. We have no right to force upon any community a constitution, liberal or otherwise, which they do not want, but our duty is done when we offer what we consider to be the best constitution for them to take or leave. If we disregard the communities and establish a common roll, it is perfectly possible to have a franchise as wide as that in Ceylon. It is perfectly possible, if we establish village councils, to get by indirect election a council which shall be responsible to the whole of the people. But these big triple constituencies with reserved seats, these separate electorates for the varying religions, necessarily involve a limited franchise for the richer portion, bringing in consequence the need for special representation for the unrepresented. While the White Paper does mean a step forward for the Indian Provinces, there is no reason why we should not put forward a scheme on the lines that we believe to be best, such as we have in this country or in Ceylon, and leave it to the option of the councils concerned whether they will have it or not.

It is well known that Lord Donoughmore drew up a scheme for Ceylon—what that Commission believed to be best. Neither the British officials in Ceylon nor those who then were members of the existing Assembly liked that scheme. The Colonial Office rightly left the adoption of that scheme for the decision of the people of Ceylon, and, in spite of the fact that it involved suffrage and ideas wholly revolutionary to the Singalese mind, it was finally accepted and adopted.

There have been criticisms of the working of this scheme. No wonder, for many people did not like it, but there have been no criticisms from Mr. Jayatilaka and the enfranchised working class of Ceylon.

The objections to communal and reserved seats are even greater in the councils than in the Assembly. Only the common rule can bring all together, but I have dealt with these objections already.

Proposals for the Provinces.

I would have the administration as in the White Paper.

I would copy Ceylon as to electorate, constituencies, communities and powers; or do better and disregard communities altogether.

Make your proposals optional in each Province.

Give to some or all Provinces all the powers of each Australian State.

Delegate from the Councils to District Boards and Village Councils many powers over roads, police, elementary education, elementary justice and taxation.

This last is so vital an element to any step forward in Indian democracy that the Joint Committee should revisit India, and report before building the top stories. The Simon Commission was debarred from any such enquiry.

2766. We are much obliged to you for that Memorandum. I propose now to invite my colleagues and the Delegates to continue the examination?—Before I am cross-examined, my Lord, might I correct an answer I gave on the last occasion, on page 137. I do not want the answer I gave last time to go out as the considered answer to the very important question asked me by Sir Henry Gidney.

2767. If you please?—Sir Henry Gidney asked me in what way I considered the Indians worse than ourselves from the point of view of governing. The answer I gave was very superficial, and, of course, I was tired. I want to say this: We are better—partly by heredity, and partly by environment. Behind us are 700 years of Parliaments with perpetual questionings, fights, and movement—the whole growth and background of democracy.

A land of just and old renown

Where freedom slowly broadens down

From precedent to precedent.

Behind the Brahmin lie 7,000 years of unquestioned and unquestioning authority. Only since Macaulay have they begun to think in our way; only in my lifetime has the Arya Somaj brought change and thought of reform into the minds of men. Only in the last few years have caste and Gandhism come into visible conflict. But heredity may not alone account for the difference of outlook. Our attitude towards our neighbours is influenced by the very machinery that puts us in authority and gives us responsibility. I am responsible to 80,000 souls. My every public act is read and watched and commented on by them; and I know them and their minds. All that cannot fail to effect for the better the exercise of my powers over them. Colonel Gidney has the same

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background, religious and historical, as I have, probably the same early education. Elect me as Colonel Gidney is elected, and I should be like him, but elect Colonel Gidney as the English are elected, and leave him 27 years in Parliament, and he would act like me. Environment in this way may play as large a part as heredity in making those profound differences in our outlook on the problem of governing humanity.

Mr. N. Joshi.

2768. In your evidence, Colonel Wedgwood, given previously, you state this: "What I am afraid of, of course, is that they will take what you might call the tame trade unions and ask them to nominate." If not only the tame trade unions, but all trade unions take the right to elect Labour representatives, would you still object to the trade unions electing representatives?—No. I think that if you must have this communal system, a system whereby all the trade unions nominated would be the best, but I think that you will agree with me that much the best system is to have some Labour votes in every constituency.

2769. Now last time you proposed, and in your scheme you also propose for the Centre that the Labour representatives should be nominated. What I put to you is this: If, instead of nomination by either the Government or by the Governor-General, it is proposed that all the trade unions in India should elect Labour representatives, would you not prefer election of the Labour representatives by trade unions to the nomination, either by the Government or by the Governor-General? — No. With the Centre as I want it, without paper safeguards, but with a real safeguard of Government control, I would prefer the Government to nominate you as they have done, rather than go into this elaborate system of communal and community representation throughout.

2770. You express a view that the nomination by Government will give better representation. Have you studied the conduct of all Labour representatives in all Legislatures in India who were nominated by the Government?—I do not think I said that they would be better. I said they would be less bitter and less extreme; but I think, on the whole, the only Labour nominated representative I know well is yourself. On the whole I prefer you to the rest.

2771. You do not know the others?—Is there not a man called Rajah? I do not know.

Sir Hari Singh Gour.] He is a representative of the Depressed Classes.

Mr. N. Joshi.

2772. May I ask you also another question now? You express your view that the British Parliament will, on the whole, represent the interests of the Indian masses generally better than any Indian Government that may be established under the new Constitution at present?—That is so, yes.

2773. May I ask you, out of your experience of the present British Parliament and of previous British Parliaments in which you have served whether they, in fact, show interest, in the House of Commons and the House of Lords, in the Indian masses?—Yes, a very great interest, I think.

2774. May I ask you what measures did they take for the protection of the Indian masses in the House of Commons and the House of Lords?—Bringing pressure to bear upon the India Office is the normal method of Parliamentary action.

2775-6. Is it your experience that that succeeds very much? Does it lead to action?—Publicity is the only check. If you take the Meerut trial sentences, which I think were savage sentences, they were raised in the House of Commons, but I do not remember their being raised in the Assembly.

2777. As regards the hill tribes also, you suggest that the English anthropologists will represent them better than any Indians? Is that your statement?—I think so. I am not certain, but when Indians become trained in anthropology in the same way that they are now trained in this country, I think they would improve, but the difficulty is that the attitude towards the Hill Tribes is different in India, among Indians, from what it is in the case of English-speaking people.

2778. Have you known of any Indians who devote their whole time to serving the Hill Tribes and the backward classes?—No, I have not.

2779. If I suggest to you that I know some of them who devote almost their whole time to their interests, will you then agree with me that these Indians who devote their whole time to the service of the hill tribes and backward classes will represent them better than the English anthropologists?—Yes, pro-

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vided they are not anxious to convert them, either to Hinduism or Muhammadanism or Christianity.

2780. So that if any Indians without any consideration of religion, either the Christian or Hindu or Muhammadan, did interest themselves in the welfare of the hill tribes and the aboriginal races, you would agree with me that they are preferable to English anthropologists?—Given equally good training, I should prefer the Indian to the Englishman.

Mr. A. H. Ghuznavi.

2781. Will you take Document No. 6, paragraph 2, Colonel Wedgwood: "except with safeguards repugnant to justice." I ask you this: Do you know that these safeguards are wanted by the Mussulmans, the Depressed Classes, the European community and the minorities in general?—I know they are, because they are afraid of democracy.

2782. I am coming to that. Do you know that the purpose of these safeguards is to prevent the predominant community from being unjust to the minority communities?—Yes, perfectly, but I think it is a bad way of stopping that injustice.

2783. If these safeguards prevent injustice, would you still consider them repugnant to justice?—I do not admit that they do prevent injustice at all; I think they merely make worse the relations between the communities, and divide India for all time, of course.

2784. Do you know that the Constitution provides for the representations of the Depressed Classes, Mussulmans and the minority communities?—Yes, it provides for them in this wrong-headed way.

2785. Do you know that in another very important Asiatic colony of European powers, namely, Java, which has a political problem amazingly similar to that of India, there is also a system of communal electorates?—I did not know it, but it is a very convenient system for Government, you know.

2786. I would refer you, Colonel Wedgwood, to a speech by Lord Morley in the House of Lords in 1909. He said: "I had the pleasure of receiving a deputation from them (the Muslims), and I know very well what is in their minds." He refers to the Mussulman deputation. "They demand the election of their own representatives to these Councils in all stages, just as in Cyprus; where I think the Muslims vote by themselves. They have nine

votes and the non-Muslims have three or the other way about. So in Bohemia, where the Germans vote alone and have their own register. Therefore we are not without a precedent and a parallel for the idea of a separate register." That was what Lord Morley said in 1909. I will now refer you to paragraph 1 of Document 6, the sub-head, "Finality." Do you know that the percentage has been so broadened that the rural areas will have now far more influence than other areas?—I think that is so. That is the special representation, of course.

2787. No, no. The percentage of representation has been extended. It brings in the rural areas—you know that?—Yes, I know the rural areas get extra representation for landlords, of course.

2788. Not only for landlords. The rural areas give you representation for the masses as well. In a system of joint electorates without any reservations, would you, or would you not, expect the caste Hindus to come in with a large majority in the Councils and in the Assembly?—Under a system of enlarged representation, I should expect people to be elected who would look after the interests of both parties.

2789. I am just asking you this: In a system of joint electorates without any reservation, would you, or would you not, expect the caste Hindus to come in in a large majority in the Councils and in the Assembly?—No, I should not expect caste Hindus to be elected in rural areas, certainly not in the Punjab; they seem to be very unpopular.

2790. May I repeat my question once more: In a system of joint electorates without any reservation, would you or would you not, expect the caste Hindus to come in in a large majority to the Councils and the Assembly?—The question is this: Whether, under a system of joint electorates, I should expect a large number of high caste Hindus to be elected. I should not. You remember that there were reserved seats in the Madras Provincial Council under the Montagu-Chelmsford scheme. They kept reserved seats in order to ensure representation for the non-Brahmins, actuated by exactly the same fears as the Muhammadans have to-day, and those reserved seats were never wanted, because the non-Brahmins were elected, instead of the high-class Brahmins, at the top of the poll,

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2791. If the Constitution provides for representatives from all the communities, the Mussulmans, the depressed classes, etc., would you still consider you have handed over the Constitution to a narrow oligarchy?—Yes, I consider that that is what the White Paper does, and that is handing over to a narrow oligarchy.

2792. Please explain what you mean by "narrow oligarchy," when I say the Constitution would be including representatives of all the communities?—Because, so far as election is concerned, only the richer section of each community has a vote.

2793. No, no, not only the richer section. The poorer section has a vote also?—The Muhammadans, the Sikhs, the depressed classes.

2794. Yes?—It is only the richer section who have a vote.

2795. No, not the richer section. The electoral qualification is going to be greatly extended?—The electorate is 3 per cent. of the population, and 6 per cent. of the adult population. That is a narrow electorate.

2796. Is it your idea to have adult suffrage?—Certainly, but I should prefer to have adult suffrage with indirect election.

2797. You refer to: "The Communities. Their indifference to the commonwealth." Do you know anything of the Swaraj party?—Yes, the Swaraj party.

2798. Do you know that it was a wing of the Congress?—It was the child of the Congress.

2799. A wing of the Congress?—Yes; I thought it was the whole Congress.

2800. Are you aware that the Swaraj party profess to be a National body whose aim was to benefit the country as a whole?—Yes. It is the aim of everybody.

2801. Do you know that of 40 members in the Bengal Legislative Council who were members of the Swaraj party 22 were Muhammadans, and 18 were Hindus?—I take it from you. I did not know it.

2802. Do you know that all these Mussulmans have been returned by a system of communal electorate?—To the Congress?

2803. No, to the Council?—Certainly.

Mr. A. H. Ghuznavi.] But they still joined the Congress party, the Swaraj party.

Sir N. N. Sircar.] Before Mr. Ghuznavi puts this question may I remind him that the Mussulmans in the Bengal Council have voted for joint electorates?

Mr. A. H. Ghuznavi.

2804. Excepting one or two no Mussulman voted for joint electorates. May I ask one question more? Do you know that the Government of Bengal has been running practically by taking loans from the Central Government, and that it has been unable to balance its budget?—In that case it is only following on a good many Governments.

2805. Will you take it that is so? Do you know that in spite of this more money is being spent on the Nation-Building Departments, now under the present Constitution, than has ever been spent before? This is the question I want you to answer?—I did not know it. I am very glad to hear it. I should like more.

2806. Do you know that it was a Muslim Minister in Bengal who carried the Primary Education Bill through the Council, and has made provision for compulsory Primary Education in Bengal?—Is that the law in Bengal?

2807. Yes? — Compulsory Primary Education?

2807A. Yes?—Good. I think there must be a snag somewhere, is not there?

'Dr. Shafa' at Ahmad Khan.

2808. I would like to ask only one question. Colonel Wedgwood, are the views embodied in this Memorandum endorsed by any party in England?—No, I have not put them before anybody except this Committee.

2809. By organised bodies in India?—I have not put them before the people of India, but I think they would be more pleasing to most people in India than the White Paper proposals, especially to Mahatma Gandhi.

2810. There is no organised body in India which supports your proposals?—No, but there is no organised body in India which supports your proposals.

2811. I am not talking of mine; I am dealing with yours?—Wait and see.

2812. Then how are you going to implement these proposals and convert them into statutory form?—By the report of the Joint Committee.

2813. But are you going to organise propaganda to convert the people here and in India to your view?—It will not

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be difficult to convert the people here. The people here infinitely prefer a scheme which retains a British interest in India to one which hands it over to Indian princes.

2814. Does the Labour Party endorse your view?—They prefer this scheme. They can speak for themselves. That will be asked later on. I think you may be quite certain that they will prefer this scheme to the White Paper as will every real democrat in India.

Sir Manubhai N. Mehta.

2815. May I put two or three questions? When you say the princes are absolute rulers unfitted by training and heredity, I presume you are a good student of heredity as well as anthropology?—Heredity is one of our subjects.

2816. Have you studied the ancient Hindu idea of kingship?—No, but I have seen its exercise.

2817. But you have not studied the ancient Hindu ideals of Kingship; heredity I am talking of?—Heredity is exemplified by a series of people with special characteristics.

2818. I wanted to know if Colonel Wedgwood had studied the ancient Hindu ideals of Kingship?—The answer is No.

2819. Does Colonel Wedgwood know that in ancient India as well as medieval India there were republics and democracies?—And they vanished.

2820. I want to know whether you are aware that in ancient and medieval India there were democracies?—Not in our sense of the term.

2821. You say they have been maintained by British bayonets. Do you know that in certain Indian States when even an unjust ruler was being deposed efforts were made to save him by his own bayonets. Do you know that?—It must have been before my time.

2822. You say the Princes make no contribution towards the revenues of British India. Do you know that the Indian States contribute one-seventh to the indirect taxes?—Yes; I am aware that the question is one of dispute.

2823. Dispute. When they are actually contributing one-seventh to the revenues of British India by indirect taxation still you say they make no contribution towards the revenues?—It is not the Indian Princes who make the contribution.

2824. Indian States?—Indian States. It is the people of the Indian States.

The Princes make no contribution. There is no income tax or death duty on the Princes.

2825. These are direct taxes. I am speaking of indirect taxation?—Indirect taxes fall upon the people, not upon the Princes.

2826. Again you say that the Princes are brought into the Federation in order to make the centre Conservative and pro-English. They are brought into Federation—meaning against their will?—No. They will come in very readily.

2827. You say: "Abdication by us will change their loyalty to the new star." Have you had any instances of disloyalty on the part of Indian States towards the Crown?—None whatever, but human nature is the same all the world over.

2828. These are mere surmises about disloyalty. You have not seen any instances of change of loyalty?—It has not come about yet. Wait till they are the ruling power.

Sir Reginald Craddock.

2829. There is only one question I wanted to put to Colonel Wedgwood. I gather from your statements that you do not like the White Paper?—That is so. In the language of the racing stable, I regard it as out of "Hatred of Parliament" by "Fear."

2830. Your alternative suggestion is that you should have an adult suffrage with no communal electorates?—That is so.

2831. Did you ever consider the possibility of a very serious strife if the two candidates for a seat in the future in any part of India; or in a great many parts of India, would be Hindu on the one side and a Muslim on the other, having regard to communal feeling?—I think there is very great danger there, but I am afraid this scheme increases that danger—the White Paper scheme. You mean under adult suffrage?

2832. If you had adult suffrage or less than adult suffrage?—I have not proposed adult suffrage for the Centre; I have proposed indirect election for the Centre in order to avoid that, but in the Provinces I would have either adult suffrage or indirect election by the village councils and the district boards but based upon universal adult suffrage for the lower organism.

2833. You mean that each village would elect a representative?—A sort of ladder; that each village would elect an elector.

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2834. You prefer that to the franchise scheme of the White Paper, do you?—Yes, I prefer that to the property franchise in the White Paper.

Lord Rankeillour.

2835. Are you satisfied with the principles of land assessment now prevailing in India?—Certainly not; I regard the Bengal settlement as the worst thing we ever did in India.

2836. And you think under your scheme it would be altered?—No; but as long as you provide the democratic machine you must allow it to operate of itself, but I should hope it would include Income Tax levied upon landed property instead of excluding that class of property altogether from Income Tax.

2837. On its site value?—I should be quite content if it was on its income value.

2838. I take it you would like the permanent settlement in Bengal changed?—I regard the permanent settlement in Bengal as very bad indeed, but it extends all over Bihar and Orissa as well, remember, and Assam, I think; and, of course, the system in Oudh and Lucknow is pretty bad, too.

2839. You rather hope that will be swept away under this scheme that you propose?—I think there would be a chance of amending it if the Indian democracy found out how bad it was and what could be done. I would not say "Sweep it away," but I would at any rate modernise it.

Marquess of Zetland.

2840. I would like to ask you a question with regard to the electorate. Do you consider that a system of direct election is possible in the case of the Central Legislature in a country the size of India?—No.

2841. Therefore you prefer the proposal put forward by the Statutory Commission?—I prefer the proposal put forward by the Simon Commission.

2842. Yes—the Simon Commission?—Yes.

2843. In other words, the Members of the Central Legislative Assembly would be elected by the Members of the Provincial Legislative Assemblies?—Quite so. You would get more responsible people and people better trained in administration.

2844. I understand that. That being so, how would you select the Members, not of the Central Legislative Assembly,

but of the Council of State?—I do not know; I am not interested in the Council of State.

2845. Then I will not pursue that subject. Would you turn for a moment to the question of the Provincial Legislatures?—Yes.

2846. I understand that you would prefer a system of indirect election?—I should prefer best of all the system they have got in Ceylon or in Burma, which is a very wide electorate. Failing that, I would have indirect election from the villages, but what is possible in Ceylon is really not impossible in India.

2847. I will not argue that particular point?—No.

2848. But under the system of direct election which you propose, would the Members of the Village Councils form the Electoral Roll for the Provincial Legislatures?—I had not worked it out in detail, but that was what I thought. Of course, you have the difficulties of urban populations to take into account, too.

2849. Can you tell us to what extent Village Councils have been established in India up to the present time?—Very few. Of course, in old days India used to be a democracy of village councils, but the councils have died out.

2850. I am aware of that. I am referring to the present day. You have not gone into that question?—I know they have been dying out regularly, but I think it is solely due to the fact that they are not endowed with any powers.

2851. That is a little beside the point. As a matter of fact, in India, in various Provinces, Acts have been brought into force establishing village councils?—Yes.

Marquess of Zetland.

2852. But if you have not gone into that, I will not pursue it.

Mr. Isaac Foot.] We had in your previous evidence your objections to the communal representation. You are aware of course, that those objections were present in the minds of Lord Morley and others when the reforms were first established; that those objections gave him great concern?—I am not aware of that. I am aware of the fact that they were present to the minds of Lord Donoughmore's Committee that went to Ceylon, and they turned it down.

2853. I will follow that up with one further question. Your objections to communal representation, you are aware, have been in the minds of those who

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have been concerned in Indian reform in the course of the last 25 years? They are nothing new, are they?—No.

2854. Do I understand that if there is a continued demand on the part of Indian politicians for communal representation, you would refuse to concede that demand, because of your objections in principle?—I would offer them what I thought to be best and leave them to take it or leave it.

2855. Take it or leave it? Following upon that, I wish to put one further question: Would you make the further extension of self-government in India dependent upon the abandonment of the demand for communal representation; would you make it conditional?—So far as the Centre is concerned, yes. I think in the Provinces I would leave each Council as at present constituted to decide for themselves whether they would adopt a reform scheme which abandoned communal representation.

2856. Do I understand your answer to be: You would not make the abandonment of the demand for communal representation a condition in the Provinces but you would in the Centre?—Yes.

Marquess of Lothian.

2857. Colonel Wedgwood, would you turn to the end of paragraph 8 of your Memorandum, where you say: "While the White Paper does mean a step forward for the Indian Provinces, there is no reason why we should not put forward a scheme on the lines that we believe to be best, such as we have in this country or in Ceylon, and leave it to the option of the Councils concerned whether they will have it or not."—Yes.

2858. What do you mean exactly by "leave it to the option of the Councils concerned"?—That the Council, as it is elected at present, might co-opt members to accept the scheme, precisely as they did in Ceylon, where the existing Council elected on the old basis finally decided to adopt the new Constitution.

2859. You think the Councils elected as they are on a communal basis, and on the present restricted franchise, represent the voice of India for that purpose?—Many of them would, particularly the Provinces, of course, where the Muhammadans are in a majority. The Punjab and Sind and Bengal would probably accept at once.

[Sir Samuel Hoare.] I do not put any questions, my Lord Chairman, for this

reason: Colonel Wedgwood has raised so many Second Reading points that I think it is much better to reserve my opinions until we come to the period of our discussions.

Mr. Cocks.

2860. Colonel Wedgwood, I understand that you think that the Government of India should be based on the village community broadening out gradually, through district Councils to larger units?—I am not anxious to decide between that method, which was the method adopted by Mrs. Besant in her scheme and the method adopted in Ceylon. In Ceylon you have got universal direct suffrage, or a near approach to it, and under Mrs. Besant's scheme, you had the indirect election from the village Councils to the District Boards, and so on.

2861. Do you think that that system is more in keeping with Indian character and history than the Western Parliamentary methods?—I am judging solely from what I thought to be in accordance with democratic traditions rather than any difference in national tradition.

2862. Would you turn to page 335 of the First Volume of the Simon Report? Have you got it there?—I have not got it here, no.

2863. May I just read you one extract? "But there is another influence deeply rooted in the traditions of Indian life which has profoundly affected the course taken by the system of public finance. It is the long tradition of centralised administration, which can be traced back to, as it is largely explained by, the succession of conquests to which parts of the Indian continent have been from time to time subjected. At any rate, from the time of the Mogul invasions, it has seemed natural that the prevailing system of finance should be imposed by the decrees of a distant authority and applied in every district by agents of the all powerful Central Governments. It is to this mysterious power of 'Government' that the Indian villager has been accustomed to look for such help as may come to him, and it is by the orders of 'Government' that he has been accustomed to pay his contribution. We do not forget the fact that under the more ancient system there is reason to believe that village communities, of various kinds, supported and managed their local affairs, but in the time which followed, centralisation of Government became so

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[Continued.]

complete that the village community fell into decay. It is only during the last half century that local authorities, as we know them in the West, have come into existence in local areas." Do you agree with that?—Yes, I agree with that, of course, entirely.

2864. Are the views which you have been expressing somewhat similar to the views expressed formerly by the late Mr. C. R. Das?—As far as I remember, when I talked the thing over with Mr. C. R. Das, he was rather in favour of Mrs. Besant's scheme; but that was a long time ago, you know.

2865. You have put in a paper by Mr. Raju?—Yes, I circulated the paper by Mr. Raju. I asked to put it in because I thought it put the point of view of the desirability of beginning from the bottom, so extremely well. The man is an official of the Central Provinces, I think Cingalese in origin, and his view is substantially the same as mine, that if you give to a small unit a certain degree of authority, they will function, and if you deprive them of any powers or authority, they die out.

2866. Is there any responsible Indian opinion at the present time in favour of those views?—I do not know about the present time. Ten years ago it was almost the commonplace of every Indian politician that Swaraj must begin at the bottom and that the dying out and killing out of the village punchayets had been the worst thing that had happened to India from a political point of view. I think that view is still held.

2867. I gather from your answer that you think it has rather died out during the last ten years?—During the last ten years, of course, agitation has taken entirely the anti-English line.

2868. Have you discussed this plan with Mr. Gandhi?—I saw Mr. Gandhi when he was over here for the Round Table Conference. I had not then thought of this idea of putting Englishmen in the Indian Assembly, and the Indians in Parliament, but I found his views of the White Paper itself, I mean the idea of Federation, under the scheme as then adumbrated, were exactly similar to my own. In fact, there will be nobody more pleased than Mr. Gandhi when you drop that White Paper, and take up something more democratic.

2869. But you cannot say he is in favour of this scheme of basing the whole of the administration on village communities?—He is certainly in favour of

the village community idea. He knows what Swaraj means.

2870. However admirable this plan may be in theory, do you not think it is a little too late to go back upon the political history of the last fifteen years, the Montagu-Chelmsford Report, the Simon Report, the Round Table Conferences, and so on?—I think this is more in consonance with the ideas of the Simon Report than is the White Paper. The Simon Report had no suggestion of putting India under the control of non-representative Princes. The only variation from the Simon Report, the really fundamental change in the Simon Report that I am proposing here is the avoidance of paper safeguards and the substitution of these liaison members.

2871. As a matter of fact, I am confining my questions entirely to that part of the Paper which deals with the village communities and a system built up from them. Do you not think, as a second best course, that such a plan might be gradually built up within the new Constitution in the form of a scheme of local government?—What I feel is that we are proceeding at the wrong end. I would like this Committee to go out to India again, even if it involves another year's delay, to see whether they could not deal with local government. The Simon Commission was debarred from considering that, and yet it seems to me to be far more vital as a sub-structure and foundation than the White Paper proposals for a change on top.

2872. I just want to ask you a question on another subject. Are you in favour of excluding the Territories inhabited by the aboriginal tribes?—Yes, I think they are excluded under the White Paper, to a certain extent. What I am anxious for is that they should be subject to enlightened control rather than run the risks that have faced the people in Africa of exploitation by people who want labour cheap.

2873. Would you mind turning to Volume II of the Simon Report, page 109. At the bottom of the first paragraph appears this sentence: "They do not ask for self-determination, but for security of land tenure, freedom in the pursuit of their traditional methods of livelihood, and the reasonable exercise of their ancestral customs. Their contentment does not depend so much on rapid political advance as on experienced and sympathetic handling, and on protection from economic subjugation by their

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neighbours." Is that your view?—That is my view, and I think it is of such importance that I have put in this Paper by Professor T. C. Hodgson at Cambridge. He is the Professor of Ethnology at Cambridge, and I would beg the Committee to hear his evidence before they come to a decision on the matter of what is to be the fate of these hill tribes.

Mr. Morgan Jones.

2874-5. May I ask one or two questions? In the first place, I hope Colonel Wedgwood will not object to the first question that I am going to ask him, but it is to clarify the issue arising from Dr. Shafa'at Ahmad Khan's questions. I believe Colonel Wedgwood will not claim that he represents, in his evidence this morning, the Labour movement in any sense?—No, certainly not.

2876. Would he claim that the suggestions that he has put forward in his Paper represent any substantial body of opinion at all in this country?—Not at present, because it has not been published yet; this is the first publication.

2877. May I take it that this is an interpretation of unpublished views?—Yes. Does that make it any the worse?

2878. Not at all, only I wanted to know the strength of opinion behind it, that is all. May I ask Colonel Wedgwood whether he would look at paragraph 8 of his Memorandum in which he says: "We have no right to force upon any community a Constitution, Liberal or otherwise, which they do not want, but our duty is done when we offer what we consider to be the best Constitution for them to take or leave." First of all, would Colonel Wedgwood regard it as a good thing to force his Constitution upon them?—No. "to take or leave."

2879. The first part?—No, certainly not; I would not force a Constitution upon anybody.

2880. May we take it as a good democratic thing to say to a people "Here is a Constitution; take it or leave it"?—Yes, quite so.

2881. Does Colonel Wedgwood recall the book which he wrote upon "The Future of the Indo-British Commonwealth" in 1921?—Yes.

2882. Would he still subscribe to this statement: "One might suggest that in future such nominations should be confined to, or even made on the recommendation of that admirable Society, the Servants of India. Even if Gandhi does not rule, a nation which can produce the

self-denial and life-devotion to social service shown by this Society, is as fitted as any other nation to look after those who cannot look after themselves"?—Yes.

2883. Is that still your view?—That is still my view of the "Servants of India" society, but I wish that they had had more influence during the last ten years.

2884. You made it much broader than that, Colonel Wedgwood. On page 161, I find this: "If Labour is fit to govern, so is India. When you deal with politics there is little difference between East and West. In that field of operations human nature takes the same, sometimes tortuous, course." Is that your view still?—Still, certainly.

2885. I am very glad?—But this is not Government by India; this is Government by the Indian rich.

2886. Would you assert that your suggestion is Government by India?—My suggestion is governing by the Indian people and not by the Indian rich.

2887. Would you look at paragraph 5 of your Memorandum? Would you look at the Constitution of the Assembly as proposed by you: there are to be ten from the Indian States, perhaps; 40 nominated by somebody. By whom?—By the Government.

2888. The British Government?—The British Government.

2889. Is that India?—This is only the temporary scheme, and this is not the Government of India; the Government of India is in the Provinces.

2890. That is 40 nominated by the British Government, anyway. The next is 30 of a British element, Lords and Commons?—Yes.

2891. Some of whom, as you would say, represent no one but themselves?—And good traditions.

2892. There are good traditions in India. British officials: There are 10 British officials to be there?—Most essential, I should think.

2893. May I suggest to you that your proposed Constitution in fact, the temporary one, would provide for a larger representation of the British point of view than even the Indian point of view?—I hope so, but the point is that this is only a temporary step. The White Paper is trying to take the final step and to remove India completely from the control of Parliament. I want to have an intermediate step, the control by Parliament till such time as the Indians do

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not want communal representation, and are prepared to manage themselves on a democratic basis.

2894. And, like the White Paper, you, yourself, have not yet suggested a date for the termination of the temporary period?—I should leave it entirely to the

Indians to decide. As soon as they do not want communal representation, let them go ahead.

Chairman.] Thank you very much, Colonel Wedgwood; we are greatly obliged to you for the way in which you have given your evidence.

MISS ELEANOR F. RATHBONE (a Member of the House of Commons) is examined as follows:

Chairman.

2895. Miss Rathbone, you have put in a Memorandum of Evidence which is directed to that particular aspect of Con-

stitutional Reform in India in which you have taken an active interest, I think, for some years?—Yes, that is so. The Memorandum is as follows:

MEMORANDUM 9.—EVIDENCE CONCERNING THE STATUS OF WOMEN IN THE FUTURE INDIAN CONSTITUTION BY ELEANOR F. RATHBONE (M.P. FOR THE COMBINED ENGLISH UNIVERSITIES, J.P., C.C., LL.D.).

1. The importance of giving an adequate measure of enfranchisement and of opportunities for public service to Indian women has been repeatedly admitted by the Government itself and by its own appointed investigating bodies. The necessity of increasing the present ratio of women to men voters has been specially stressed. The following are the chief references, in order of date:—

THE SIMON COMMISSION.

"We desire to see a substantial increase in the present ratio of women to men voters. If this is not effected now, the situation will later on be reached when so large a proportion of adult men are on the register, and so few women, that a further extension to bring the number of women voters more nearly to an equality (even if the Provincial Councils as then constituted proposed it) would necessitate the sudden admission of vast numbers of women with hardly any increase in the number of men. It is far better to proceed gradually and steadily, and a further step in developing women's suffrage in India should be taken now. Some qualification other than the present one is needed, and it is very difficult to suggest the most satisfactory method. It may perhaps be found possible to add to the present qualification two others, viz., (1) being the wife, over 25 years of age, of a man who has a property qualification to vote, and (2) being a widow over that age, whose husband at the time of his

death was so qualified. In addition, the educational qualification should apply to women over 21 as well as to men. Many will be disposed to say that Indian wives and widows are so largely uneducated or living in seclusion that their enfranchisement to this extent is premature and extravagant. *We do not think so.* The beginning of a movement among certain Indian women, however comparatively few in number they may yet be, to grapple with problems which specially affect home and health and children is one of the most encouraging signs of Indian progress, and we believe that the movement would be strengthened by increasing the influence of women at elections." Report of the Indian Statutory Commission, Vol. II, page 93.

SPEECH DELIVERED BY HIS MAJESTY THE KING-EMPEROR TO THE ROUND TABLE CONFERENCE, 12TH NOVEMBER, 1930.

"The material conditions which surround the lives of My subjects in India affect Me nearly, and will be ever present in your thoughts during your forthcoming deliberations. I have also in mind the just claims of majorities and minorities of men and women, of town dwellers and tillers of the soil, of landlords and tenants, of the strong and the weak, of the rich and the poor, of the races castes and creeds of which the body politic is composed. For these things

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I care deeply. I cannot doubt that the true foundation of self-government is in the fusion of such divergent claims into mutual obligations and in their recognition and fulfilment." Report of 1930-31 Conference, pp. 15-16.

THE ROUND TABLE CONFERENCE.

"No system of franchise can be considered as satisfactory or as likely to lead to good government where such a great disparity exists between the voting strength of the two sexes. We do not anticipate that the recommendations we have already made will reduce the disparity, nor do we think that they provide sufficiently for the enfranchisement of women. We therefore agree that special qualifications should be prescribed for women." Report of 1930-31 Conference, p. 58.

PRIME MINISTER'S INSTRUCTIONS TO THE INDIAN FRANCHISE COMMITTEE (LOTHIAN COMMITTEE).

"His Majesty's Government attach special importance to the question of securing a more adequate enfranchisement of women than the existing system which applies to women and same qualifications as to men, and has produced a women's electorate numbering less than one-twentieth of the total male electorate." Report of Indian Franchise Committee, p. 81.

THE LOTHIAN FRANCHISE COMMITTEE.

"Theoretic equality under a restricted franchise means in practice extreme inequality." Report of the Indian Franchise Committee, p. 82.

THE WHITE PAPER.

"His Majesty's Government fully appreciate the importance of a large women's electorate for the Federal Assembly." p. 12.

"His Majesty's Government are very anxious to secure that the proportion of women electors should be adequate and further consideration of the above arrangements may be necessary." p. 94. (The reference here is to the conditions attached to the provincial franchise.)

2. The question now at stake, therefore, is whether the measure of franchise and opportunity proposed by the White Paper is adequate; and if not, how it

should be extended. By "adequate," I mean; will it give women a weight in the new Constitution that is reasonably proportionate to their numbers and sufficient to ensure due attention to their opinions, interests and needs?

3. In one sense, women's interests are obviously co-extensive with those of the community. As adult citizens, nothing that concerns India can be indifferent to them. The recent activities of Indian women show that they have a very lively sense of this and are as capable of self-sacrificing patriotism—whether well or ill-directed—as Indian men. But they have also special interests and needs and these are more apart from those of men than in this country, because of the greater separation between the lives of the two sexes and the lesser advance that Indian women have made towards emancipation. At present, politically minded women in India tend to be more taken up with the national struggle than with women's special needs. But this will not always be so, and the methods learned in this struggle may be extended to the other, if women find themselves unprovided with the constitutional means of enforcing attention to their needs. As the pre-war suffrage struggle in this country showed, women suffering under a sense of injustice and frustration can be very ingenious in devising ways of making themselves a nuisance to the State. Mr. Gandhi has, I believe, admitted that he got ideas from the militant suffrage campaign when he lived in London.

RESERVATION OF SEATS.

4. I welcome the White Paper's proposal for reserved seats for women in the Federal Assembly and in the Provincial Legislatures. *But I much regret*

(a) That there is no provision of this kind in the Federal Higher Chamber. Women's interests need protection here as much as those of Labour and the Depressed Classes, and it is even more certain that women will not obtain seats in this Chamber by election.

(b) That the women's seats for the Federal Assembly are to be filled by the choice of the Provincial Legislatures, instead of by some form of election. The latter method is both more educational to the constituencies and more likely to result in the choice of "women's women" instead of "nice women, not likely to give trouble." But I recognise the great difficulty of framing constituencies

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not impossibly large or expensive, when only one or two seats has to be filled from each Province. The Committee might perhaps consider whether this difficulty could not be overcome by selecting the whole or part of each Provincial capital city as the constituency, while permitting the candidature of women residing in any part of the Province. Women candidates for this purpose are likely to be those widely known in their Province.

(c) That no reserved seats are proposed for women from the Provinces of Assam, the North West Frontier, Sind, Orissa, Delhi, Ajmer, Coorg and Baluchistan.

FRANCHISE FOR THE FEDERAL ASSEMBLY.

5. *For the Federal Assembly*, the White Paper's proposal admittedly secures a voting ratio no better than the present "less than one-twentieth of the total male electorate" which the Government itself, the Statutory Commission and the Round Table Conference have expressly stated to be inadequate. The White Paper itself states that

"His Majesty's Government fully appreciate the importance of a large women's electorate for the Federal Assembly." (p. 12.)

6. The admission may be amplified by reminding the Committee that the subjects which are proposed to be entrusted to the Federal Legislature include marriage, divorce, custody and guardianship of infants, adoption, relations between husband and wife, laws relating to wills, intestacies and succession, factory regulations, labour welfare and certain educational institutions. With regard to most of these, the Provincial Legislatures are to have concurrent powers, but it is provided that, in case of dispute, Federal legislation will prevail unless the Provincial law has received the assent of the Governor-General. In fact, the obvious convenience of having an All-Indian, or at least All-British-Indian, law on most of these subjects makes it probable that legislation concerning them will be chiefly Central. It follows that if the political influence of women over the Central Legislature is negligible there may be a growing conflict between the desire of the Provinces for progressive social legislation and reactionary influences at the Centre.

7. The assigned reasons for the White Paper's admittedly inadequate proposal

for the Centre are "the administrative difficulties involved in any further increase and the objections to a differential franchise based on education, by the adoption of which alone any substantial additions to the women's electorate could conveniently be made in present conditions." There are here three points:—

(i) "*The administrative difficulties involved in any further increase.*" But since the total electorate for the Centre is to be only from 2 to 3 per cent. of the total population and for the Provinces about 14 per cent., and since the elections for Centre and Provinces will presumably be held at different times, how can the administrative machinery capable of tackling the far larger provincial electorate be baulked by two or three million additional women voters distributed over all the Provinces at the elections for the Centre?

(ii) "*the objections to a differential franchise based on education.*" What objections? The justification for a differential educational test for women is clearly indicated in the Indian Franchise Committee's Report. It is briefly this:—that it affords the easiest method of helping to secure an adequate women's ratio by the addition of a number of women who possess at least some measure of education; that women are not to blame for their relative backwardness in education; that one way of securing to them the opportunities for overcoming this deficiency is to strengthen their influence at elections. (The positive advantages of the literacy test, apart from the question of ratio, are discussed in par. 11.) It may be added that the Indian Franchise Committee's proposal was merely that the women admitted to the electoral roll for the Provinces on a simple literacy test at the first General Election should be added to and remain on the Federal electoral roll, but that subsequent additions to that roll on an educational basis should be required to satisfy upper primary standard. The proposal, therefore, is contingent on the adoption of a literacy test for the Provinces, and so far as the Centre is concerned, any slight administrative difficulty involved in using an already prepared roll would be experienced only at the first election.

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(iii) that there is no means alternative to the literacy test by which a substantial addition to the women's Central electorate can "conveniently" be made. I suggest that, in fact, there is an obvious alternative means, namely, to add the wives of men property voters for the Centre. These will, according to the White Paper proposal, already have been registered on application as voters for Provincial Councils, so that it cannot conceivably be difficult to use the same list for Central elections. Further, such voters, being of the same social status as their husbands, belong to the social grades adjudged by the White Paper as suitable for Central elections.

It may be argued that the number of such wives—approximately four millions, according to the Indian Franchise Committee's calculations—is excessive. But if the proposed condition, that wives must apply for their votes, is adhered to, the actual number will be immensely less (see par. 18). If, as I hope, this condition is abandoned, the number could, if necessary, be cut down by using any of the devices indicated in par. 16. But need it be assumed that every change made in the proposals of the Indian Franchise Committee must invariably be to the disadvantage of the women?

8. It should further be remembered that reductions in the numbers of qualified voters are likely to be cumulative in their effects, because where the numbers are few, women are deterred from appearing at the polls by shyness, dislike of being conspicuous and the fact that candidates do not trouble to canvass groups of voters whose numbers are negligible. The Indian Franchise Committee admits this and has noted that whereas in the 1930 elections for the provincial council, only 14 per cent. of the women voters polled, at a recent local election in Madras, the percentage was as high as 60. This consideration applies also to the Provincial Franchise.

FRANCHISE FOR THE PROVINCIAL LEGISLATURES.

9. In the Provinces, the White Paper proposals envisage a nominal proportion of one woman to seven men, instead of to 4½ men, as aimed at by the Indian Franchise Committee, or the much larger proportion contemplated by the Statutory Commission. But in effect, the reduc-

tion would be far greater and is brought about by means which render the proportion incalculably less favourable to women than either of the previous proposals. This is so because of the means by which the reduction is effected:

10. First, instead of the simple literacy tests proposed as educational qualification by the Indian Franchise Committee, a much higher test (except in Madras) is proposed—one involving the production of school or college certificates. Moreover, the certificate proposed in Bombay, Bengal, Bihar and Orissa, and the Central Provinces is not merely upper primary, but the relatively high standard of Matriculation or School Leaving Certificate.

11. The results of the change may be summarised as follows:—

(a) The literacy test provides a valuable means of extending the franchise automatically, as education improves, without the need for fresh legislation and all the attendant agitation and friction. The substituted tests are too high to have any substantial or rapid effect of this kind.

(b) The literacy test would stimulate the education of girls among those castes and sections within each community who saw in this a means of increasing their political influence. At the same time, owing to the system of separate electorates, it would not upset the communal balance.

(c) The abandonment of the literacy test is unjust to women who, having obtained their education at home, are unable to produce school certificates. This will tell specially hardly on women in purdah, or living in country districts where schools are inaccessible. A valuable stimulus to self-education among adult women is also withdrawn.

(d) The substitution of Matriculation for simple literacy may give a stimulus to the less valuable forms of education for girls at the expense of the more valuable. Even among boys, it is generally admitted that in the past there has been too much concentration on higher education to the neglect of primary and vocational education. Among girls, this would be a worse mistake, because there is little opening for women in those professions (with the two exceptions of medicine and teaching) for which

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a College course is the natural preparation, while there is a great and unsatisfied need for more instruction in housewifery, child welfare, sick nursing and midwifery. The assumption that a woman who has sought proficiency in this range of subjects is less worthy of a vote than one who has matriculated, is both untrue and likely to encourage false standards of value in girls and in their parents.

(e) The literacy qualification is the one qualification proposed by the Indian Franchise Committee which has been unreservedly and I believe unanimously approved by the Indian women's societies. To abandon it will add to a disappointment which is already sufficiently bitter.

12. The reason given for the high education test suggested for most Provinces by the White Paper is "the absence of records which could be used to support a claim to an educational qualification in certain cases." But the curious and surely inequitable result follows that, the more backward the Province in educational matters, the higher the educational test imposed. Thus in Madras it is simple literacy; in Bihar and Orissa, Matriculation or School Leaving Certificate. To the outsider it seems obvious that, especially where schools are few, their standards various and their records ill-kept, the fairest and most easily applicable test is that of simple literacy (i.e., of ability to read and write) as certified by any responsible official, such as a magistrate, school inspector, etc.; or, in case of doubt, tested on the spot by the registration officer. If this is possible in Madras, where the proportion of literacy is highest, why is it impossible in Provinces where the numbers would be relatively insignificant? In Madras the literacy test is proposed for both sexes, but this will not improve the ratio of women voters. If in other Provinces the test is judged too troublesome or likely to bring in excessive numbers if applied to both sexes, why not apply it to women only, as proposed by the Indian Franchise Committee? (I have discussed the justification for differentiation in paragraph 7 (ii).) Again, I understand it is proposed to apply the literacy test to the franchise provisions for the depressed classes. If practicable for them, why not for women?

13. Secondly, the wife voters, who in the Indian Franchise Committee's proposals form nearly two-thirds of the

whole, are to be required to apply for their votes. The form of application, whether personal or by letter, is not specified, and unless regulations are laid down about this, it is obvious that an authority anxious to curtail the women's vote might impose methods of making application which would make it in effect almost negligible. But even if reasonable latitude is allowed, it is plain that the effect on actual voting strength will be very serious. Even in this country, what proportion of voters would get on to the register if they had to make application, not during the excitement of an election, but several months ahead? In India, long distances, imperfect road and postal communication, comparatively rudimentary party organisation, and the illiteracy of some women and the purdah seclusion of others, make the obstacle imposed by the requirement to apply much more serious. From the point of view of logic and justice, it seems peculiarly indefensible to impose the condition on wives and not on their husbands who could much more easily fulfil it. If it is argued that a person who does not take the trouble to apply is unworthy of a vote, then why not apply this condition to the men? As to its effect on numbers, this must be a matter of guess-work. But I suggest that the Committee might ask those of its advisers who have recent Indian experience what is their own estimate of the numbers qualified who will in effect apply. Let us suppose that the forecast is that one in three will do so—and judging from the replies I have got to similar queries, this forecast is too optimistic. Then we are back at the proportion of less than one woman voter to 20 men which the Government itself in its instructions to the Indian Franchise Committee declared to be inadequate. It may be said that if registration is dependent on application, the proportion of voters who actually go to the polls will be much larger than at present. That may be so. But nevertheless, even among voters registered on application, there will be inevitably a substantial proportion who do not actually vote, because of difficulties or preoccupations at the time of election.

14. The reason given in the White Paper for the condition of application is that "there are practical difficulties in placing on returning officers the whole responsibility for registration of those qualifications" (p. 94). I understand this to refer to the trouble and possible invidiousness of enquiries as to the names,

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ages, etc., of wives. I ask: has this in fact presented any serious difficulty when similar particulars concerning an enormously larger number of families, and of individuals within each family, have to be made for census purposes? If I am correctly informed, it has not. I am glad to note, therefore, the statement in the White Paper, Appendix V, that the above conditions may have to be reconsidered in order to secure an adequate proportion of women electors. (See the last quotation in my par. 1.)

15. I suggest that most of the administrative difficulties concerning the wife's vote, the educational qualification, and the proof of age for all voters, could be progressively minimised for the future if the machinery for registering births, deaths and marriages and the form of future census enquiries were so improved and adjusted as to make these records useful to the officers entrusted with the compilation of electoral rolls. Improved vital statistics are immensely important for other reasons. These administrative difficulties are therefore at their maximum only for the first election, but in view of the great importance of securing from the first an adequate women's electorate, some additional expense and trouble at the first election would be amply justified.

16. If, however, the Joint Select Committee insists on retaining either or both the changes in the Indian Franchise Committee's proposals which diminish the women's ratio, it is essential that the numbers should be made up in some other way. While nothing can compensate for the taking away of the literacy qualification, the application condition might be actually advantageous if, but only if, it results in securing, instead of all the wives of a specially prosperous class, an equivalent number of the more politically awakened women drawn from a larger class, since it will be chiefly the politically awake who will trouble to make application. I suggest that this might be secured in one or a combination of the following ways:—

(i) By enfranchising (on application) the wives of *all* propertied voters, instead of only those with the high qualification proposed for Central voters. I understand that this might result in a *potential* wife's vote of 14,000,000, instead of about 4,000,000 as under the present pro-

posals. But it is unfair to cite this number without allowing for the immense reduction likely to be caused by the application condition. A further reduction could however be effected—

(ii) by coupling the above proposal with imposing a higher age limit, say 25 or 30, for wife voters. The Statutory Commission proposed a qualifying age of 30, and this was the age adopted in Great Britain for wife voters from 1918 to 1928.

Or again, (iii) by enfranchising the wives only of certain selected groups among the various forms of property qualification laid down in Appendix V, the selection being guided by considerations of status and administrative convenience. For example, it has been suggested that the wives and widows of members of H.M.'s regular forces, being already scheduled for pension and separation allowance purposes, would form a small but easily differentiated group. Other groups might be added.

Or again, (iv) in addition to the wives of men with the proposed high property qualification, there could be included the wives of men qualified in respect of an educational test. These wives, even though not themselves qualified by education, are likely to possess some measure of culture.

Or again, (v) there could be included as qualification that of being the widowed mother of a son or daughter who is qualified to vote for the Federal Assembly, or who would be so qualified if not a minor. The Statutory Commission proposed to include the widows of men who at the time of their deaths had possessed the qualifying property. I understand that the obvious difficulty of proving such a qualification led to its rejection. My proposal provides a much easier way of differentiating in favour of women who, but for the misfortune of their widowhood, would in most cases have been entitled to the wife's vote and in all belong to the same grade of society as the proposed wife voters.

Or again, (vi) by lowering the property qualification for women voting in respect of their own property. The disabilities of Indian women in respect of inheritance provides an ample justification for creating a

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differential qualification of this kind, provided that it is possible to devise and apply it in such a form as to bring in a sufficiently substantial number of women to be worth while. It might be considered whether there is any kind of personal property commonly owned by women, or contributed to the husband's estate in the form of dowry on marriage, of a sufficiently easily differentiated and provable form to serve as qualification.

I wish to make it clear that I should myself prefer to the White Paper proposals a form of franchise that would include a larger proportion of working women, either directly as wage-earners, or through the system of primary voters known as the Zetland proposal. I only refrain from pressing either method because I judge them to involve too radical a departure from the forms of franchise proposed in the White Paper to be likely to secure consideration.

17. Speaking generally, I suggest that the objections to a more adequate women's vote can be overcome, if not in one way, then in another, if there is sufficient will to overcome them. It is the duty of administrative officers to point out difficulties in the way of proposals affecting their administration. But when a Government yields to these obstacles, it is generally because the motive to overcome them is weak.

THE BEARING OF POLITICAL STATUS ON SOCIAL CONDITIONS.

18. I desire therefore to remind the Committee of certain grave considerations which provide a motive for insisting that—whatever the difficulties—Indian women must be given a really adequate and effective voice in influencing the future administration of their country in matters concerning their own well-being and that of their children. These considerations are additional to the claim of women, as adult citizens, to participate in public affairs. Their relevance to the question of political status is indisputable and is indeed implied in the extract from the Statutory Commission's Report and the other quotations at the beginning of this Memorandum. But much plainer speaking is here necessary.

19. Great Britain has been the dominant power in India for a century and a half; for the greater part of that time in autocratic control. The Government of India has been entirely in men's hands,

chiefly those of British men. Women have been completely excluded from positions and functions that would give them any kind of effective influence over either legislation or administration. The exceptions are so recent and so infinitesimally few as to be negligible. Now their destinies are to be handed over to new and untried Governments. Is our Nation proud of the conditions existing among this large section of His Majesty's subjects—the 131 million women and girls of British India—at the moment of transferring the greater part of its responsibilities concerning internal matters to other shoulders? Some, only some, of these conditions are set forth, on unimpeachable testimony, in the Appendix to this Memorandum. Terrible facts are there recorded. British men and women are not concerned with the responsibility for these facts, except so far as it rests on our own Nation. But it will hardly be contended that a Government has no share of responsibility for the death rate, the morbidity, the hygienic conditions, the educational opportunities, the civil rights of the people under its rule; and that this responsibility is not greatest with regard to those sections which are most inarticulate and least entrusted with constitutional means of self-protection. In every one of these respects the condition of India's women reflects little credit on the men set in authority over them, whether these are British or Indian.

20. Further, in spite of popular impressions to the contrary, there seems no evidence that some of the most adverse of these conditions are improving; rather the contrary. See Appendix, pars. 39-46 for proof that there is either retrogression or almost imperceptible advance in combating the evils of child marriage, maternal mortality, tuberculosis especially among young girls, or in securing increases in the pitifully inadequate provision of and expenditure upon women doctors, trained midwives, girls' schools, etc. Such gleams of optimism as light up the gloom of these reports refer to an increase in demand rather than supply. It is noticeable that the Health Commissioner for India referred to the prospect of a large women's electorate as though it were one of the few hopeful features of an otherwise pessimistic report.

21. I commend also specially to the Committee the Appendix, pars. 47-7 dealing with the Sarda Act in Restraint of Child Marriage; the weighty Report

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[Continued.]

which led to it; and the failure of Governments to carry out administrative measures recommended as essential to its success. I ask the Committee when studying these facts to remember (a) that the enormous maternal mortality to which child marriage is admittedly one of the chief contributory factors represents (if the estimate, which the Health Commissioner for Madras considers "very conservative," of 20 deaths per 1,000 confinements, can be extended to all India) about 168,000 maternal deaths per annum, or 19 every hour, and that many of these are of young girls in their teens; (b) that a death in child-birth without the aid of a doctor or trained midwife means, to put it bluntly, a death by slow torture, due to the straining of bones and sinews, nerves and tissues, in the body's effort to perform a function for which it is too weak, immature, or ill-formed; (c) that of all forms of death it is among the most economically wasteful and injurious in its effects on child welfare and domestic happiness. Yet these factors of child marriage and maternal mortality are only two of those involving physical and mental suffering on so vast a scale that the imagination falls back baffled in the effort to grasp it.

22. To anyone coming as I do, freshly to this subject and accustomed to the lavish provision (comparatively speaking) made in this country for maternity and child welfare, girls' education, etc., the meagreness of Indian equipment in these respects is positively staggering. I realise the difficulties. It is impossible to read the official Reports from which many of my Appendix extracts are taken without recognising the enthusiasm and devotion with which some of these officials are struggling with their tasks and admiring the frankness with which they acknowledge the smallness of their results. But so far as their difficulties are due to the apathy of the general population and of Provincial and Local Governments, can this be better overcome than by stimulating the political consciousness of the people and making them feel that they have in their hands a constitutional means of compelling their representatives to attend to their needs? It is usually demand that stimulates supply. But there is seldom demand when there is no consciousness of power to influence supply.

23. To take a single example of what I mean: That bulky, Blue Book, "The Moral and Material Progress of India "

(1931 edition) solemnly sets forth the difficulties experienced in keeping up the *cadre* of the Women's Medical Service to its maximum achieved number of 44, partly because of the difficulty of inducing the Provincial Governments to pay half the salaries of these women, as demanded by the Central Government. Yet this tiny body of 44 officially employed women doctors, bulked out by Missions and by private practitioners into a total of about 600 fully qualified women doctors and some semi-trained sub-Assistant Surgeons, is the sole provision of female medical aid to meet the needs of a female population of 131 millions, of whom "very few" (in the words of the same Blue Book) "are willing to see a man doctor except at the last moment." Here is indeed a record of "the petty done, the undone vast." One is reminded of the efforts of "Seven maids with seven mops" who set forth to sweep the sea-shore clear of sand.

24. Even more depressing in respect to the extent of ground covered, is the record of the various efforts being made to train the indigenous *dai* or to supplant her by trained midwives. Though justified by their value in preventing individual cases of suffering, as a contribution to the whole problem, these efforts may be compared to an attempt to turn the bitter sea into sweet water by sprinkling it with the contents of a small watering-pot.

25. The relation of the constitutional rights of women to the above social problems may be better appreciated if I recall the fact, that one result of the exclusion of women from political influence has hitherto been the failure to secure for women administrative positions that would enable them, as subordinate officers in the appropriate departments of Health and Education to survey and co-ordinate the whole field of effort in relation to women's problems. Attempts to press for such appointments have been repeatedly made, but have hitherto proved almost entirely abortive.

26. It is often said that women themselves, especially the older women, are staunch upholders of these evil social customs. The statement is usually made on the authority of men, who are never slow to assert "the woman tempted me and I did eat." The Joshi Committee testified that the evidence given by women in every Province was strongly against the custom of child marriage.

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Similarly the Indian Franchise Committee testified that "in every Province women, including some in strict purdah, came forward as witnesses, either representing organisations or individually, asking for an extension of the franchise, while there has been no expression of opinion to the contrary, written or oral, from the women themselves." It is against human nature and common sense to suppose that when women have in their hands the constitutional means of protecting themselves against the cruel customs and injustices from which they suffer, they will long neglect to use these means. But if they do, the responsibility for these abominations will be theirs. At present it rests entirely upon the men who inflict and upon the Government which tolerates them without any serious effort at reform, either through compulsion or through education (see pars. 34-8).

27. Indian men and women repeatedly make the charge, in the Press, on platforms and at every international conference where they obtain a hearing, that the timidity and indifference of the British administration in matters of social reform are responsible for the slow advance of India in these matters. I give only one instance: Dr. Muthulakshmi Reddi, practising physician in Madras, formerly Deputy-President (by the unanimous choice of her colleagues) of the Madras Provincial Council, says:—

"I strongly hold that the Government should put down this evil and iniquitous practise with a firm hand, as it did in the case of the cruel custom of Sati and infanticide.

The British Government in my opinion and in the opinion of the majority of our public men and women, has not been helping our moral and social progress and has been adopting a policy of utter indifference, neutrality and sometimes direct opposition to all our social reform measures. Hence even we women have come to realise that a foreign Government has no sympathy with the legitimate aspirations of the people, and can never actively help in mending our defective social system. Unless and until full Provincial autonomy and Dominion status is granted, there can be no real social and moral progress.

Is there not much truth in the saying 'we are responsible for the evils we do not prevent and for those

we struggle too weakly against.' Is not the Government also partly responsible for our present social degradation?"

28. During five years of very close study of this subject, I have come slowly and reluctantly to the conclusion that the charge above made is on the whole, though not without qualifications and exceptions, justified; that more, much more, might probably have been done to improve these terrible conditions if the British authorities in India had felt their responsibility for them more keenly, had spent more labour and shown more ingenuity and determination in combating them. The Government has been abundantly endowed with what Lord Morley called "the world's inexhaustible patience under the abuses which only torment others." Less of such patience might have been better for their subjects. But however that may be, the past is past. What of the future? Judging by the action (or inaction) of Provincial Governments in the past 13 years, during which its largely Indianised personnel has been responsible for the deferred subjects of health and education, I see little reason to share the optimistic view of many Indian men and women, that everything will be all right once the control has passed into Indian hands. The truth seems to be that men of all races, while seldom intentionally cruel or neglectful, are usually unimaginative and inactive with regard to evils which either happen out of their sight or are so familiar that they have become callous to them, unless and until the victims are able themselves to raise an agitation formidable enough to compel attention to their needs.

29. The women who suffer from these evils are mostly hidden away in obscure villages or behind the purdah. Except for a small number of missionaries, doctors and lawyers, very few men in responsible positions—and those rarely—come into close contact with them. Their sufferings have been and will remain forgotten, unless they themselves and those of their own sex who specialise on these problems are put in a position to exercise effective influence, at elections, on the Legislatures, and on the Administrations.

30. This is the more probable because the future administrations are likely to be, for many years, very poor and beset by numerous vociferous claimants. To whom will they listen: to those who have

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nineteen-twentieths of the voting strength behind them and most of the wealth, education and organising experience; or to those who have the measure of strength represented by the proposals of the White Paper? I do not forget that women will have the co-operation of many enlightened men. But men are naturally more responsive to the claims of their own constituents and of those whose needs are most constantly before their eyes. One might suppose that it would have been agitation among British working men that led to such reforms in this country as Widows' Pensions, Maternity Benefit, Separation and Maintenance for ill-treated wives, etc. But in fact it was women of all classes who led the agitation for these reforms and since women became a substantial part of the electorate, the pace of advance has enormously quickened.

31. During the past decade, numerous Bills have been introduced into the Legislative Assembly and the Provincial Councils by Indian Members* for the reform of some of the evils touched on in this Memorandum. With few exceptions, these Bills have been cold-shouldered or opposed by the Government, presumably in deference to orthodox opinion and to the pledge given by Queen Victoria that the Government would "pay due regard to the ancient rights, customs and usages of India." Yet as long ago as 1891, Lord Lansdowne as Viceroy laid it down that this pledge was subject to the reservation

"that in all cases where demands preferred in the name of religion would lead to *practices inconsistent with individual safety* and the public peace and condemned by every system of law and morality in the world, it is religion and not morality which must give way."

The future Government of India, whatever its difficulties, will at least be freed from those attending the interference of aliens with customs not their own. But Indian social reformers will be immeasurably weakened if those on whose behalf they are legislating are deprived of the electoral influence which is to be freely accorded to those whose interest lies in maintaining these evil customs.

32. I suggest finally that a heavy weight of responsibility will rest upon the Joint Select Committee, upon the Government,

* Notably by two Delegates to the Joint Select Committee, Sir Hari Singh Gour and Mr. M. R. Jayaker.

and upon Parliament, if the decisions finally arrived at are such that the attitude of these bodies can be legitimately interpreted as follows:—

"We regret that the provision of women doctors, trained nurses and midwives in India should be so inadequate that most of its eight and a half million confinements take place under conditions involving a maximum of present suffering and of impaired future vitality and cause maternal and infantile death rates unparalleled in any other civilised country.

"We recognise child marriage to be 'a great and corroding evil' and regret that efforts to suppress this evil custom have hitherto been entirely abortive.

"We deplore the often unhappy lot of India's twenty-six million widows, many of them young girls.

"We regret that the laws of inheritance and the social customs prevailing in some of the largest Indian communities are such as to deprive most Indian women of opportunities either of inheriting property or of earning their own living.

"We regret that the educational opportunities afforded to Indian women should be so few that under 3 per cent. of them can read and write their own language, as against 14.4 per cent. of Indian men.

"We regret all these adverse conditions and we fully recognise that one of the most effective means of securing their amelioration would be by giving a substantial measure of enfranchisement and fuller opportunities of public service to women. We are anxious to do this if possible, but always subject to these conditions: that it will involve no strain on the administrative machine and no substantial increase in electoral expenses; that it will offend no prejudices, however unworthy; that it necessitates no reduction in the proposed male electorate; that it does not tend to make the Government unpopular with any section of opinion strong enough to give trouble."

33. If I have here spoken plainly and harshly, it is because I believe that upon the Committee's decisions regarding this part of its subject may depend the future welfare and even the lives of incalculable numbers of Indian women. The Committee is rebuilding the Constitution of India from the foundations. If the structure they build is ill-fitted to meet the needs of half the Indian people, it will be immeasurably more difficult to make the necessary adjustments at a later stage. So far as the British Parliament

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is concerned, this is likely to be the last opportunity for making it possible for Indian women to deliver themselves from those unhappy conditions from which British rule has so signally failed to free them.

APPENDIX.

NOTES ON CERTAIN SOCIAL CONDITIONS AFFECTING WOMEN IN INDIA.

Official Evidence as to the Failure of the Government in India to cope energetically with Health Problems.

34. The Health Commissioner for India says (1930 Report):

"The health of the people is theoretically acknowledged by politicians, by financiers and by leaders of the commercial world to be of first importance, but when these leaders of the nation come to deal with the cold facts of an every-day world and especially with budgets which fail to balance, public health is quietly but firmly pushed to one side with a vague expression of hope that in the future something more may be possible. In few countries of the world have the public health budgets even at their highest amounted to more than a penny or two per head of the population; in India, the average expenditure in many areas cannot possibly be more than a tiny fraction of that humble coin. In these circumstances, what chance is there for the development of a suitable health organisation or what opportunity can there be of utilising, for the benefit of the people, the facts placed at our disposal by medical and health research?"

(p. 2).

"The larger municipalities are as a rule content with meagre efforts for their women and children. . . . In spite of the recommendations of the Whitley Commission there has been so far little development of welfare work in industries. Doubtless the depressed condition of trade generally accounts for this, but one would like to see beginnings made, however small" (p. 160).

35. Major-General W. R. Edwards, Director-General of the Indian Medical Service, says:—

"I cannot understand why up to the present time Government has

taken no steps towards teaching the people of India the elementary laws of health which are of such vital importance to them."—(Quoted by Dr. Lankester in his "Tuberculosis in India.")

36. The Linlithgow Report on Agriculture says:—

"The demand for a better life can, in our opinion, be stimulated only by a deliberate and concerted effort to improve the general conditions of the countryside, and we have no hesitation in affirming that the responsibility for initiating the steps required to effect this improvement rests with the Government.

"The realisation of this important truth has led to a large increase in expenditure on the departments concerned with rural welfare. None the less, we feel that its force is inadequately appreciated by the Government of India and by local governments, and that the necessity that the rural problem should be attacked as a whole, and at all points simultaneously, is still insufficiently present to their minds."

37. The Governor of the Punjab (Sir M. Hailey), introducing Mr. Brayne's book on village uplift, says of the charge that the Government has neglected this problem:—

"The charge is to this extent true, that we have never made a direct and concentrated attack on this problem; we have never deliberately attempted to effect that change in the psychology of the peasant or in his social and personal habits without which it is impossible materially to improve his condition."

38. The Director of Public Health for the Punjab (Colonel Forster) said in evidence before the Linlithgow Commission:—

"Whilst every District Board will cheerfully incur bankruptcy on account of the schools, no District Board is willing to spend the smallest money of its income on Public Health projects which do not offer some personal advantages to personal members of the Board. . . . although this district was afflicted with an epidemic of plague responsible for over 400 deaths weekly, and also with a coincident epidemic of small-pox, the total expenditure on

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Public Health for a rural population of 898,609 was under £1,800 " (1.24 of total income of Board, p. 512). (p. 511.)

"Although the Province is always on the verge of an epidemic, financial provision . . . is always hopelessly inadequate. When an epidemic breaks out the District Board as a general rule does nothing, on the plea that it has practically no funds—which is true in the sense that it has made no provision" (p. 512).

Little or No Progress in Maternity and Child Welfare.

39. The Report of the Health Commissioner for India (1930) says:—

"Advance in this branch of public health work is extremely slow and it is only by looking back over a considerable number of years that we can appreciate progress at all. As stated in my last report the atmosphere of political disturbance and economic depression is far from favourable to the development of work among women and children. On the other hand, that fact that, in India, women have begun to enter public life may be a hopeful augury for the future. Under the new constitution many women will be enfranchised and some may be nominated to the provincial and central legislative assemblies. Naturally their interest will focus on problems which specially concern them and we may hope that this will be reflected in legislation affecting women and children" (p. 151).

"The problems attending maternity work and, in particular, maternal mortality, show a depressing tendency to remain completely unsolved—one is tempted to say insoluble. That would, however, present an unjustifiably pessimistic picture of the situation. The figures for maternal mortality rates show no improvement, in fact in many cases they tend to increase. It must be remembered, however, that the increase, in urban areas at least, is largely due to improved registration and classification of deaths, and that, therefore, comparative figures are really no help in deciding whether improvement is taking place or not" (p. 152).

"Unfortunately, hospitals and trained midwives are within the reach of comparatively few. The great majority of births take place in villages where hospitals do not exist and where trained midwives find it hard to settle and earn a living. It is the village conditions which create the real difficulty in reducing maternal mortality rates or in providing for skilled assistance for the time of child birth. In the villages, the only help available, in the majority of cases, is that of the indigenous midwife whose sole means of learning has been her experience." (p. 152.)

"Little accurate information as to the incidence of tuberculosis in India is available, although the prevalence of the disease is believed by many medical men to have increased rapidly during the last 15-20 years. This is to some extent evident even from the rather scanty mortality figures recorded in a number of the provinces." (p. 74.)

"In Calcutta, for the year 1929, 2,834 deaths from tuberculosis were registered. Of these, 2,591 or 91 per cent., were pulmonary cases. A very high death rate was recorded among young females between the ages of 15 and 30 years; in the age-group, 10-20 years, for every boy dying of tuberculosis five girls died, and in the age-group 20-30 years, the proportions were one male to three females. These tremendous differences are attributed, *inter alia*, to early marriage, but probably other factors play an equally important part." (p. 79.) Dr. Arthur Lankester says that:—

"In the whole of my tour through the cities of India no single fact was more constantly brought to my notice by ceaseless iteration, than the direct dependence of consumption upon the system of purdah seclusion of women." ("Tuberculosis in India," p. 140.)

40. MATERNAL DEATH-RATE. — The general statistics are, as stated above by the Health Commissioner, quite unreliable. The most recent special investigation, covering 32,400 confinements in Madras Presidency, showed a death-rate of 15.4 per 1,000 confinements. But this was in urban areas and is considered by those responsible for it to be much below the general rate for the Province.

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From Annual Report of the Countess of Dufferin's Fund, 1928:—

"If readers of this report will take the trouble to peruse the individual reports from the Hospitals officered by Women's Medical Service doctors, they cannot fail to be struck by the universal cry from all the doctors from Karachi to Calcutta and elsewhere for more money for the supply of the barest necessities for these Hospitals. The Secretary, in her inspection reports, has reiterated these appeals, pointing out the urgent necessity for repairs and additions to buildings and the inadequate supply of equipment, bedding and nursing staff. *The fact has to be recognised that Women's Hospitals receive scant attention and still scantier support in almost all the Provinces in India.* They are not endowed and depend for their support on doles from local bodies and subscriptions from the public."

From Drs. Balfour and Young's "Work of Medical Women in India."

"The total number studying in the various Health Schools is less than fifty; and this for a number of births per annum which exceeds eight millions! The number of qualified Health Visitors now at work in India cannot exceed 250. The number of births in England and Wales was rather under 700,000 (in 1926) and the number of 'whole or part-time officers engaged in health visiting' was 3,963."

CHILD MARRIAGE.

41. In 1928 the Government of India appointed a weighty Committee, with one exception entirely of Indians, chiefly legal or medical experts. After a year's exhaustive investigation, this Committee produced a Report on the Age of Consent and Marriage (commonly known as the Joshi Report). The following passage sums up its verdict:—

"Early maternity is an evil and an evil of great magnitude. It contributes very largely to maternal and infantile mortality, in many cases wrecks the physical system of the girl and generally leads to degeneracy in the physique of the race. *Let us compare the case of Sati which was prevented by legislation with the case of early maternity.* Satis were few and far between. They compelled attention by the enormity of the evil

in individual cases, by the intense agony of the burning widow and the terrible shock they gave to humane feelings. But, after all, they were cases of individual suffering; the agony ended with the martyr and the incident had some compensation in the martyr being almost deified as an ideal Hindu 'Pativrata,' a devoted wife, the subject of adoration after death. In the case of early maternity, however, the evil is widespread and affects such a large number of women, both among Hindus and Muslims, as to necessitate redress. *It is so extensive as to affect the whole framework of society. After going through the ordeal, if a woman survives to the age of 30, she is in many cases an old woman, almost a shadow of her former self. Her life is a long lingering misery and she is a sacrifice at the altar of custom.* The evil is so insidious in all the manifold aspects of social life that people have ceased to think of its shocking effect on the whole social fabric. . . . If legislation was justified for preventing Sati, there is ample justification for legislation to prevent early maternity, both on the grounds of humanity and in furtherance of social justice." (par 232.)

42. Speaking in the Assembly on the resultant Sarda Bill in Restraint of Child Marriage, the Home Member, Sir James Crerar, described child marriage as:

"a great and corroding evil in our midst which is clamorous for a remedy."

43. Before 1930, no minimum age was fixed for the marriage contract, but the age of consummation (called age of consent) was fixed for girls at ten years old in 1860; at 12 in 1891; and at 13 within the marriage bond and 14 outside it in 1925.

Following on the Joshi Report, the Child Marriage Restraint Act (known as the Sarda Act) became law on October 1st, 1929, and came into force on April 1st, 1930. It prohibits and penalises (but does not render invalid) the marriage of girls under 14 and of boys under 18.

44. The Joshi Report recommended legislation on the above lines. But it pointed out that such legislation could not be effective unless accompanied by the following administrative provisions:—

(a) Wide publicity for the provisions of the Marriage and Consent

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Laws and educational propaganda. Women's Associations to be utilised for such propaganda and aided with money grants for the purpose. The Committee reserves capital letters for this recommendation:—

“WE ATTACH GREAT IMPORTANCE TO A PUBLICITY CAMPAIGN AND . . . WE FEEL THAT THE STATE OUGHT TO UNDERTAKE THE LARGER PART OF SUCH A CAMPAIGN.”

(b) An accurate marriage register in a prescribed form to be kept through an administrative department of the Government, containing details of age, etc., and to facilitate this, compulsory notification of marriages to a prescribed Local Authority.

(c) Universal compulsory notification of births, including the child's name, sex, etc.

(d) Birth certificates and marriage certificates to be issued free of cost to the parties concerned.

(e) The employment of women police, women jurors and assessors, and medical women, in the investigation of sexual offences. Where women police are not available, the use of respectable women of the locality to escort girls and be present during investigations. The provision of separate women's waiting rooms at all court houses, etc.

(f) Various proposals for prescribing penalties, or altering those already prescribed.

The Report pointed out that previous legislation concerning Age of Consent had been almost wholly ineffective, for various reasons, but especially because the very existence of such legislation was

“practically unknown throughout the country. A knowledge of it was confined to judges, lawyers and a few educated men, who may read newspapers or are in touch with the courts of law. The evidence establishes the indisputable fact that the general mass of people in quite ignorant of the law.” (p. 38.)

In spite of the above strong recommendations as to the necessity for these administrative arrangements, I can find no evidence that any of them have been carried out. Parliamentary questions put at intervals of about six months for the past three years have invariably produced the reply that the Provincial Governments were considering the matter

and (in reply to a question on April 13th, 1933) that their replies are under consideration by the Central Government.

45. Six months were allowed to elapse between the passing of the Act and the date of its becoming effective. During that period apparently the Governments concerned took no steps, or only small and ineffective steps, to carry out the wide campaign of education and publicity which the Joshi Committee had proclaimed to be indispensable to the success of the Act. But the enemies of the measure were less inactive. Priests and moneylenders, apparently believing that the Government at last meant business about Child Marriage, spread everywhere misleading rumours as to the actual purport of the Act. A veritable spate of child marriages took place and I understand it to be generally admitted that the use made of this period of six months is responsible for the enormous increase in child marriages shown by the census of 1931, as follows:—

Returns are only available for the four Provinces of Madras, Bengal, Bihar and Orissa, and Assam. These four taken together, show the following increases in child marriage:

Ages.	Child Wives. 1921.	Child Widows 1921.	1931.	1931.
0—1	2,144	21,330	197	594
1—5	82,860	377,983	6,536	13,196
5—10	825,483	2,019,675	46,275	54,475
10—15	2,769,585	3,333,957	136,509	98,326
	3,681,072	5,752,945	189,517	166,591

It is obvious that this great increase in child wives will mean in future years a corresponding increase in the already enormous number of India's young widows, with the unhappy results described in par. 48.

46. In two years and five months, i.e., up till the end of August, 1932, there were 473 prosecutions under the Act, of which only 167 have been successful. There were 207 acquittals and 98 cases still pending. The maximum punishment allowed by the Act is a month's imprisonment and/or a fine of Rs.1000. But of the successful prosecutions, in only 17 did imprisonment form the whole or part of the sentence.

The above figures show that the Act is likely to be of small effect in preventing child marriages, unless it is strengthened or/and the Government itself takes more vigorous action. At present the onus of prosecution is placed on the outside public and the prosecutor has to deposit a sum

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not exceeding Rs.100 as guarantee of good faith. Not many individuals are likely to incur the odium of initiating a prosecution and the possible loss of a guarantee, when the result is at best merely to inflict a light penalty on the offender and not to rescue the child victim of the marriage. *Do the terrible results of child marriage not justify the assumption of a greater measure of responsibility by Government?*

47. An impartial observer, Mr. Edward Thompson, who cannot be accused of hostility to the present administration, says:—

“Nothing of recent years has more enhanced the Government's prestige than the Sarda Act raising the marriage age. Government would not lose in any single respect even if it enforced the Act.”*

WIDOWHOOD.

48. At the Census of 1921, there were 26,834,838 widows in India, of whom 396,556 were under 15 years old. The lot of the Hindu widow has been thus described by Indian speakers. In 1927, speaking in the Legislative Assembly, Kumar Garganand Sinha said:—

“I shall not take the time of the House by narrating what Hindu widowhood means. There is no Hindu who does not know it from practical experience in his own household. It is a life of agony, pains and suffering and austerity. It is a life which has been inflicted not so much by Providence, not so much by the Shastras, as by social customs.”†

Dr. Muthulakshmi Reddi, speaking on child marriage before her colleagues of the Madras Provincial Council, said:—

“The saddest consequence of all is the presence of a large number of child widows in our midst whose lot and status in a Hindu family is most deplorable. We are too painfully conscious that the child widows, for no fault of their own, are subjected to such indignities and ill-treatment in a Hindu household, that their life is rendered very miserable indeed. Here are the figures I have produced to convince the House of the iniquity of the evil custom even in our Presidency:—

“Number of married to the total women is 95 lakhs to 217 lakhs. Number widowed is 40.9 lakhs and thus it forms nearly half of the total number of married women.”*

49. While these unhappy facts are the result of social custom, they can be affected by Government action in three ways:—

(i) the suppression of child marriage and consequently of child widowhood;

(ii) improvements in the law regarding inheritance. Mr. M. R. Jayaker stated before the 41st Indian National Social Conference, 1928, that legislation is “most urgently needed to-day in improving the position of the widow in a Hindu joint family. When the husband dies undivided we are all aware of her miserable lot. She cannot get the husband's share if she is without male issue. The rules under which maintenance is decreed to her are unjust. They all lean in favour of her husband's co-parceners.”

(iii) improved facilities for the training of widows for wage-earning occupations.

THE CIVIL RIGHTS OF INDIAN WIVES AND WIDOWS.

50. Even a brief summary is impossible here. But it will be familiar to the Committee:—

(a) That whereas polygamy is permitted to (though increasingly uncommon among) both Hindu and Muslim men, and whereas either can easily get rid of an unwanted wife—the Hindu by setting her aside, the Muslim by divorcing her—there is for the women of the Hindu community no legal means of escape, whether by divorce or by separation, from a husband however cruel. The most that the courts can do is to refuse restitution of conjugal rights to the husband of a deserting wife, if they judge that to return to the husband's household would be physically unsafe for her.

(b) that the rights of inheritance enjoyed by Hindu women are exceedingly meagre (see para. 49) and that although Muslim laws of inheritance are juster to women, Muslims commonly, at least in the Punjab, fol-

* “A Letter from India,” by Edward Thompson; Faber and Faber, 1932.

† Legislative Assembly Debates, 15th December, 1927.

* Madras Legislative Council Debates, 27th March, 1928.

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low Hindu customary law in this respect. It seems significant of the extent to which this is so that in the predominantly Muslim Provinces of the Punjab and of Bengal, the proportion of women entitled to vote on a property qualification under the present electoral law is considerably smaller than in the Hindu Province of Madras.

EDUCATION OF GIRLS.

"The public expenditure on girls' education is still small compared to that of boys' education; . . . the disparity between the amounts spent on the two is increasing, notwithstanding the fact that, owing to greater difficulties, girls' education must necessarily be more expensive than that of boys; and, as a consequence, there is a growing disparity between the number of educated men and educated women.

"The importance of the education of girls and women in India at the present moment cannot be overrated. It affects vitally the range and efficiency of all education. The education of the girl is the education of the mother, and through her of her children. The middle and high classes of India have long suffered from the dualism of an educated manhood and an ignorant womanhood—a dualism that lowers the whole level of the home and domestic life and has its reaction on personal and national character. Many of our witnesses have emphasised the dominating influence of the woman in the Indian household and specially in the training of her children. 'A literate woman,' says one of our witnesses, very justly, 'is a far better and surer guarantee of the education of the coming generation than a literate man. An illiterate woman on the contrary, is in her own time very often the cause of the stagnation not only of the generation that is slowly growing up, but of the generation which is in the prime of life as well.'

"We are definitely of opinion that, in the interest of the advance of Indian education as a whole, priority should now be given to the claims of girls' education."—Interim Report of the Indian Statutory Commission (Hartog Report), pp. 150-1 and 183.

Conditions of Confinement in Indian Homes. Methods of Untrained Midwives.

51. The following descriptions, by two Indian and two British doctors, illustrate the causes of heavy maternal mortality and the urgency of the need for trained midwives.

52. From a treatise on "Child Welfare," by H. Suhrawardy, M.D., F.R.C.S.I., L.M., District Medical Officer, Lillooah, E.I.R., Fellow of and Examiner for Calcutta University and the State Medical Faculty of Bengal, Fellow of the Medical Society of London.

"In a great many homes in India, specially among the Indians of the higher castes, the puerperal woman is looked upon as unclean, whose touch necessitates a bath of purification, and therefore the worst and the oldest beds and such beddings as could be thrown away after the event are used, and the most useless lumber-room of the house is chosen as the lying-in apartment. Sepsis, puerperal fever, infantile tetanus, and other microbic diseases take their heavy toll from such suitable nidus and material for their development. After child-birth the poor mother is denied God's light, and fresh air and even cold water. The windows and doors, such as there may be in that small room, are kept shut, and securely fastened; and although ventilation is totally obstructed, and there are no fireplaces and chimneys in Indian houses, yet a fire in an 'Angethi' is constantly kept going inside and a small *chirag* or taper is kept lighted day and night to ward off the evil spirits. Instead of a clean accoucheur or a midwife, a dirty low-class woman, with long and filthy nails and fingers cramped with dirty rings made of base metals, recruited from the untouchable caste of the *Chamar* or the *Dosad*, is requisitioned to usher into life the helpless infant who is the hope and the future of the country.

"I have been through the slums of the East End of London and of Edinburgh, and have practised midwifery there, and I have worked in the tenement houses of the back streets of 'Dirty Dublin,' but nowhere have I come across anything so repugnant, so appalling and so cruel!

"The dirt and the squalor of the slums of the West is due to want and

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poverty, but what excuse have we, the well-to-do *Bhadraloge* Indians, for subjecting our high caste Hindu and Mahomedan women to this awful torture, born of and nursed by rank superstition and ignorance?

"In the vitiated and unhealthy surroundings which I have attempted to describe, the poor woman who has undergone the travails of child birth is incarcerated and is given hot fomentation to her body and made to drink decoctions of various 'Heating' vegetables and dried fruits from three weeks to forty days. During this period the infant is never brought out of the *Soori* or *Antoor*, as this room of horrors is called, for fear of the evil eye, the *Dain* or village witch, and the evil spirits. It has always been a wonder how, under such conditions, mothers have ever escaped cent. per cent. mortality and why our very manhood has not been exterminated or dwarfed to the lowest possible ebb by the blight of these harrowing surroundings."

53. Dr. (Miss) Jerbanoo Edalji Mistry, L.M. & S., of Bombay, in a paper read in 1924 on "My Experiences of the Harm Wrought by Indian Dais" (quoted by Vera Anstey in "The Economic Development of India," 1929), describes many of the same conditions as the above:—

"The Dai is the one person who is looked upon as a saviour in all diseases of women by the illiterate Indian women. The dai considers herself qualified to attend all labours normal and abnormal, and all the pelvic diseases. Cleanliness is a thing unknown to her. Soap and water are her great enemies. Often she is so dirty that she stinks, and her hands and nails are covered with dirt, particularly the nails, which are long and perfectly black on account of the dirt underneath. To ask her to wash her hands before making an examination is to inflict on her a great unforgiveable indignity.

"To witness her method of conducting a labour case is a liberal education. Generally the dirtiest and dingiest room in the house is selected, or, if the family lives only in one room, a corner of it is curtained off. The dirtiest rags in the house are used for linens and diapers,

etc., and the dirtiest and most useless 'Razai' or mattress is used for bedding. In short, everything that is unfit for domestic purposes and has been discarded is used at the time. . . . After delivery of the child . . . (here follow some details of barbaric medical practice), the patient is then put on a *cherpoy* (a wooden bed with strings in place of springs), and covered with a warm blanket, seldom any clothes are put on her, all the doors and windows are closed most scrupulously to shut off light and air, as exposure to air is supposed to give fever, and then big trays about two feet square full of burning coal are arranged under the bed, a 'shigri' (small charcoal fire) is kept burning in the room and heated bricks, or tiles are applied to the abdomen. For 10 days, the dai attends morning and evening, rubs the patient's body and abdomen with sweet oil . . . and takes away the soiled linen to wash at her house and bring them back the next day. Here she makes one bundle of all the clothes belonging to different cases, so that if she has one septic case, all the rest of her patients stand the risk of catching the infection.

"In the way of food, a decoction of dill, fruit and jaggery (raw sugar), is given for the first five days. *Bajra conji* (a 'pudding' made of millet and water) without any milk for another five days, and then gradually solid food. This goes on for 20 days. . . . During all this time the patient is kept confined in her corner, without light and ventilation, roasted alive with the heat, and on the above-mentioned highly nutritious diet. Nobody, of course, touches her. The child, after delivery, is then given some jaggery and put in a corner of the room on a low stool to which all sorts of insects have access. Once I found a scorpion on the cot and it is nothing unusual to see ants crawling all over it. Among some of the Hindu communities, no clothes are put on the child for 40 days, even in coldest weather. . . . Even when the dais send for qualified medical aid, they do so so late that we are not able to save the patient, and then she gets an excuse to shift the blame on the doctor and impress upon the

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ignorant relatives and friends that it was our English method that killed the patient. Is it any wonder, after the above treatment, that so many women die during labour? To me the wonder is that so many survive!"

54. Dr. Arthur Lankester's very similar picture ("Tuberculosis in India," 1920) adds the fact that the girl's own mother is too often shut out from her during her ordeal:—

"Perhaps the hardest of all the consequences of this idea is the fact that it banishes the girl's own mother at the very time when, if ever in a lifetime, a mother's help is needed. While in some parts it is permissible for the mother to enter the room on condition of her undergoing special ceremonial cleansing afterwards, special sets of clothing being sometimes reserved for the occasion, yet in the vast majority of cases the presence of the mother is forbidden. This would matter less if the midwife was one in whom confidence might safely be placed. But this is far indeed from being the case. Dirty in habits, careless in work and often callous to suffering, bold in treatment, with courage born of crass ignorance, and which causes untold mischief to her patients, the Indian 'dai' is in urgent need of reform. Its very nature as things are now limits it to women of the lowest class, while the fact that it is hereditary, one individual regarding it as her right to have the care of a limited group of families, removes the incentive of competition and rivalry. I have traced the course of a single woman of this sort for years amongst the respectable Hindus of a large city, her operations being continually followed by a trail of puerperal fever and death. She and those like her, would make frequent internal examinations, never using water to cleanse her hands until the end of the case."

55. After this it is only fair to say that some competent medical witnesses have described the dai as very often a kindly soul, doing her best according to her traditions.

56. Dr. Kathleen Vaughan, M.B. (Lond.), describes the conditions when the mother is suffering from osteomalacia, a disease very prevalent among women in

purdah, owing to their exclusion from air and sunlight:—

"These cases always arrived at the hospital in a state of extreme exhaustion, carried there on a bed by the nearest men relatives, after every attempt had been made for days at home by native midwives, quite untrained women, who had exhausted every device known to them to produce delivery. The women arrived exhausted and septic, begging that something should be done for them, they did not mind what. The women who accompanied the patient beat upon their breasts and wept; the men asked us for help, but reminded themselves that this was the usual lot of women. Sometimes we saw that they brought a rope with them, and this was a bad sign, as they use a rope to bind a corpse to the bed when carrying it for burial." (p. 1.)

57. Dr. Margaret Balfour also lays stress on the gravity of this disease and points out that in the rural districts, where hospitals and skilled attendance are unavailable, the young mother often "dies undelivered after days of agony."

58. After these horrors it is not cheering to learn from the League of Nations' Report on Health Organisation in India that:—

"The supplying of trained dais or midwives to the villages is an exceedingly difficult problem, *the solution of which has scarcely been attempted.*"

And of the midwives' training, where it does exist, the report says:—

"The work, however, proceeds very slowly, and there are many obstacles to be overcome. All doctors who have had experience of the work are convinced that it is not sufficient merely to train the dais. Supervision of their work subsequently is necessary to prevent their lapsing into the old methods. . . . Yet *that supervision is for the most part non-existent, and cannot be supplied without greater funds and personnel.*"

HISTORY OF SUTTEE.

59. It is well known that in 1829 Lord William Bentinck as Governor-General put an end to this cruel practice by issuing a Decree for its immediate suppression and that this was substantially though not completely effective.

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But it is less well known that he took this step in defiance of all his advisers, British and Indian, and that only three years previously another Governor-General, Lord Amherst, spoke as follows:—

“But after all, I must frankly confess, though at the risk of being considered insensible to the enormity of the evil, that I am inclined to recommend our trusting to the progress now making in the diffusion of knowledge amongst the natives for the gradual suppression of this detestable superstition. I cannot believe it possible that the burning or burying alive of widows will long survive the advancement which every year brings with it in useful and rational learning.”

There is a remarkable similarity between the attitude of Lord Amherst and that of recent Indian Governments in matters of social reform. Compare the speech of the late Sir Alexander Muddiman, speaking on the Sarda Bill in the Legislative Assembly in 1925:—

“Coming as I do from a province where the enactment of the Age of Consent Act in the year 1891 led to an agitation of an exceedingly serious character against the Government, I am greatly impressed by the need for caution . . . I am not one of those who desire to take the position that the Government should not do anything in social reform. I think we should do our best to promote reform. But it is a matter on which we must have a clear lead from the people themselves, I would rather—perhaps I am old-fashioned—I would rather be charged with going too slowly in this matter than take risks which necessarily follow legislation in advance of general social opinion in the country. About the evil which the Honourable Member who introduced this Bill has attacked, there can be no possible doubt. He is moving against what I consider to be one of the most detrimental influences on the future development of the country. Let me warn him, however, that he will not take the people with him if he goes too far or too fast. If he does not take the people with him, moreover, I know well that the odium of the enactment will fall not on him but on the Executive Government, and that must be a reason why we should

observe a considerable amount of caution in the matter.”

Which was right, Lord William Bentinck or Lord Amherst?

2896. You are, amongst other matters, interested in the question of the enfranchisement of women, and of their being given opportunities for a larger part in public life and public service?—Yes.

2897. Your Memorandum deals very fully with the views which you wish to place before the Committee. It seems to me both clear and comprehensive. I do not know whether you wish to add anything to that at this stage, or to make any corrections?—Not if I may assume that the Members and Delegates have read my Memorandum. In view of my coming without any notice shall I be safe in assuming that?

Chairman.] The Memorandum has been in our hands now for a considerable time, and I think you may safely assume that it has had the careful attention of the Committee and delegates.

Marquess of *Lothian*.

2898. Miss Rathbone, I gather from your paper that you regard an adequate number of women on the roll as absolutely vital to the improvement of the status of women in India, and to the general progress of social reform?—Yes, that is so.

2899. Would I be right in saying that you attach more importance to there being, say, at least one voter out of five women, so that in case of contested elections every candidate has got to pay attention to women's interests, than to any other aspect of the proposals relating to women in India?—Yes. I think the question of numbers in all constituencies is perhaps the most important of all the questions affecting the status of women. I should say that one in five to my mind is not adequate but is the irreducible minimum.

2900. On page 26 of the White Paper, paragraph 50, the last sentence, the paper estimates that under the White Paper proposals “the ratio of women to men electors will be approximately one to seven.” Have you been able to make any investigation as to whether that is likely to be a correct assumption or not?—I would not venture to suggest that it would not be a correct assumption, but not if the condition of application is retained.

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2901. Have you any view as to what would be the effect of insisting upon the provision that in the case of the wives they should only be placed on the roll on application to be placed on the roll, and not automatically by the Returning Officer?—I regard that as a disastrous condition. In any country it would have an extremely serious effect upon the proportion of voters who would actually get on to the roll if they had to make application to do so, and if they had to make application not during the excitement of an election, but in cold blood, so to speak, several months or weeks beforehand. Am I justified in enlarging on my answer?

Chairman.

2902. Yes?—In this country it will be within the recollection of members that it was the custom till a few years ago, for the voter nominally to get himself on to the roll, but it was the Party organisations that really undertook the responsibility and, without a strongly developed Party organisation, I fear even in this country the proportion of voters who would actually get on to the roll would be relatively small, and in India if we bear in mind the illiteracy of a large proportion of the women, and the difficulties of postal communications and the long distances, and the relatively undeveloped Press and undeveloped Party organisation, I fear the effect would be disastrous.

Marquess of Lothian.

2903. I gather you attach importance to it because under the proposals of the White Paper out of some 6,000,000 voters no less than 4,000,000 voters are estimated to come on to the roll under the heading of wives of existing provincial Council voters?—Just so.

2904. From your experience you would not like to form any estimate of what proportion of women who would be eligible to be placed on the roll would in fact place their own names on the roll—what proportion of those 4,000,000 in theory would be likely to be on the roll if the condition of application was insisted upon?—I can myself form no estimate, but since I first read the White Paper I have taken considerable pains to try and elicit estimates from everybody I met with, both Indians and British who have long experience in India, including a good many experienced Civil Servants, and I have not yet found a single person whom I have questioned who did not think the numbers would

be cut down enormously, although no one would commit themselves to an estimate as to the extent to which that would be so.

2905. Do you think as many as one-fourth would apply on their own initiative?—I should think that was an optimistic forecast. I have suggested in my Memorandum that, if it is one in three, at once the suggestion that one woman to seven men will be enfranchised under the proposals will be cut down, as far as that section of the proposals is concerned, to one woman in 20, because with one woman in seven, if one-third apply, you get one in 21 which is just the proportion which has been definitely rejected as inadequate by the Government itself.

2906. You also attach great importance to the maintenance of the literacy qualification for the registration of women in the Provincial electorate. Would you say a word about that?—I attach enormous importance to it. I realise that at first the number of women who will be enfranchised under a literacy test may not be a very great addition to the roll. I think you, my Lord, estimated it in the Report of your Committee at less than 2,000,000. I have not got the figures here, but I attach enormous importance to the literacy test because of its value for the future. It cannot fail to give a very valuable impulse to Primary Education. Obviously, although it will not affect the communal balance under the communal decision, any group of opinion that wishes to strengthen its political power at elections will have a motive for giving education to its women, and the adult women themselves will have a motive, if they are politically minded, for acquiring education if they do not possess it, whereas if the test is an examination test it excludes the large number of women who, owing to purdah, or their residence in rural areas, or their social customs, have acquired their education at home. They will have no certificate to show. It excludes women who have perhaps attended schools a good many years ago when school records were badly kept. They will have no certificate to show, and under the proposals in the Appendix to the White Paper I notice it is just in the more backward provinces such as Bihar and Orissa that a high test such as the Matriculation examination is proposed. It does seem to me curious, if I may say so, that it should be in a backward

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province that you suggest a high educational test, and in a progressive province, relatively speaking, like Madras, you accept the literacy test, because in a backward province presumably a very small proportion of women have had the opportunity of attending schools and obtaining certificates, and in such a province probably the schools will have been less well organised, and the records will have been less well kept, therefore you are increasing the disadvantage to those women who have already been most gravely disadvantaged by the inferior education opportunities offered to them, yet it is in those very provinces that the women's vote is most important for improving their social conditions which have led to the province being backward.

2907. I think you travelled for some time in India last year with a view to finding out the attitude of organised Indian women about these questions?—Yes, I was in India only two months, but I went there for the express purpose of studying the franchise question, and of getting in touch with those interested in it.

2908. Would you tell the Committee whether you found there was a strong and widespread demand among women for a wide extension of the franchise—whether it is an active and powerful movement or not?—I cannot remember meeting a single woman during the whole time I was in India who did not express a wish for an extension of the franchise, and who did not regard the present franchise as wholly inadequate.

2909. They regard the progress of Indian social conditions as being conditional upon getting an adequate enfranchisement under the new Constitution?—Yes, the two questions are very closely linked in their minds I found. Naturally I was mainly in touch with the more educated and more awake women, but I met no exceptions so far as that experience went.

Mr. Isaac Foot.

2910. Following upon the question that has just been put by Lord Lothian, do we understand that your Memorandum setting out the case so cogently and fully is not merely the expression of your personal opinion but to some extent the expression of organised opinion in India?—So far as the objective of a wide franchise goes, yes; not necessarily so far as the particular method of carrying it out—the particular forms of franchise qualification. I have there followed

my own judgment as to what was practicable and workable and attainable under present conditions rather than what was ideal.

2911. I suppose as far as the demand is concerned you would take the consistent view of most electoral reformers that an advance should not be dependent upon the demand of those whom it is sought to assist?—Yes, emphatically, I doubt whether the franchise would be widely extended in any country if it was simply a question of counting heads. The greater the need often the smaller the organised demand.

Marquess of Zetland.

2912. When you were in India last year were you able to form any opinion as to the extent to which the system of purdah would be likely to stand in the way of the views which you hold being given effect to?—Naturally I asked many questions about that. So far as I could judge there did not seem to be any opinion among those I spoke to that it would form any insurmountable difficulty. Clearly it does form some difficulty in those Provinces where purdah is very frequent and where it might entail special polling arrangements; but I spoke to a lady who had been herself in charge of a purdah polling booth in Calcutta and her experience was that, although those booths had been set up in Calcutta because of the large amount of purdah in Calcutta, the majority of the women voters (of course, at present it is only a small number) used the ordinary booths.

2913. Did you have any opportunities of discussing this question with Indian ladies who were themselves subject to the purdah system?—Certainly. I attended several purdah parties which were kindly arranged for my benefit, where we had definite discussions on the subject and I was struck by the fact that the ladies who were themselves in purdah very often seemed to have quite as advanced political views as the ladies who were out of purdah. I remember a purdah party where one very eloquent lady thought my views quite reactionary because I was prepared to be content with anything less than adult franchise, and she said: "The vote is the natural birthright of every human being." Yet that lady herself arrived in a shuttered carriage and went away with a burka over her head. That is typical of the ladies in purdah to whom I spoke. They

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seem to hold very advanced political views on the question of franchise.

2914. Just one question with regard to what I must describe as another class of Indian women: You are very anxious to see a large extension of the franchise to Indian working women. Did you have any opportunity while you were in India of ascertaining what the views of the Indian working women are on the question of the franchise?—No, I cannot say I had. Being only able to speak English and having such very short opportunities, I do not think I had that opportunity.

Marquess of Salisbury.

2914A. You have no reason to doubt, Miss Rathbone, have you, the statistics as to illiteracy amongst the women voters which are submitted to us by the White Paper and in the Round Table Conference Reports?—No, I have no reason to doubt them.

2915. Illiteracy amongst the women is very much greater than amongst the men: that is so, is it not?—I imagine it is unquestionably so. I have never heard that questioned.

2916. You do not think that would afford any difficulty to the use of the vote?—It offers some difficulty, unquestionably, but I think not an insurmountable difficulty. I think it is clear that statistics on the subject are likely to under-estimate rather than to over-estimate the amount of literacy, because if women in purdah learn to read at home it must be very difficult for the fact to become known to those who make up the estimates. I gather they are based on the census returns which must give a very rough guide to the numbers.

2917. So you do not think the illiteracy is quite so bad as it is made out to be?—I should think the probability was that literacy was under-estimated rather than over-estimated (but I have not any proof of it); simply from the fact that a girl may so likely learn to read in her home, and the fact may not be known to the Registering Officer.

Sir Austen Chamberlain.

2918. I do not quite follow the argument. Does the witness mean that illiteracy is under-estimated?—No, I meant that literacy was probably under-estimated, because a larger proportion of girls learn at home, and knowledge that is acquired at home does not get on to any record.

Marquess of Salisbury.

2918A. Illiteracy is not quite so bad as it is painted?—I do not think so.

2919. But it is very considerable?—Undoubtedly.

2920. Do you think that, under the suggestions which have been made in Lord Lothian's Franchise Report, the method of voting would rather protect the secrecy of the ballot. I am speaking, of course, in the case of illiteracy?—Yes, I should think so.

2921. You have not considered that very closely, have you?—I do not think I have studied the machinery of the voting closely enough to form much of an opinion upon that.

2922. Being a Member of Parliament, you know how much it has figured in past times in our own country—the difficulty of recording the illiterate votes?—I gathered from the evidence that it had not been found a very serious difficulty in Ceylon.

2923. That I am not aware of. The real difficulty is that, in order to be quite sure of an illiterate vote in this country, we provide that the illiterate voter communicates his vote to somebody in the booth?—Yes, but I understand that the suggestion is that symbols in some cases could be used, which would dispense with that necessity, such as pictures.

2924. You think that those symbols would really be effective?—I do not see why they should not; if a connection is established in the voter's mind between a lotus flower and one candidate, and a bull and another candidate, it should not be a difficult matter.

2925. It seems rather a summary way of arriving at a candidate's political views, does it not?—Unquestionably, but the point that impresses itself in my mind is that unless you have a wide franchise at present, will there be any motive to educate the illiterate voters? It is a question of the old saying (I forget whether it was Disraeli's) after the Reform Act: "We must now educate our new masters."

2926. He did not carry with him the whole of his Party?—I feel that the motive for educating the illiterate will be strengthened and that is what has been missing in the past.

Sir Austen Chamberlain.

2927. May I suggest Robert Low as the author of the quotation?—That is it.

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Marquess of Salisbury.

2928. You feel that the important thing is to educate the people rather than to arrive at a proper government of the country?—I would not put it that way; I would put it this way: that uneducated people may be very good judges of their own interests; educated people cannot be good judges of the interests of those who differ in every respect from them. Therefore, I would rather take the risk, such as it is, of enfranchising an illiterate population, with the double view that you do at any rate elicit the views of the illiterate population about their own interests, and that you give a very strong motive to the educated section of the population to educate the uneducated. (*Marquess of Salisbury.*) I quite anticipated that would be your view, Miss Rathbone; I am very much obliged to you.

Major Cadogan.

2929. I failed to appreciate an answer you gave to Lord Lothian, Miss Rathbone. Did you have the opportunity of studying the question of the emancipation of Indian women, if I may put it that way, up country in the rural districts at all? No.

2930. You could not say how far the women's movement is making headway up country?—No, I could not say that.

2931. You did not gather how far women are taking advantage of the slender privileges of the franchise that they possess at present? Can you give me no idea of the percentages?—I have gathered this, that where the franchise is on a very fairly considerable basis, as I think it is for municipalities—particularly the municipality of Madras according to an instance given by the Indian Franchise Committee I think it was 60 per cent. of the women voters on the roll who polled in a municipal election, and I have been struck by the fact that the proportion of elected women in the Madras Province has now risen. I think there are over 500-520. The Committee will forgive me, remembering that I have come here at short notice, but I think it is over 520 elected members of Local Boards and municipalities now in Madras, within the last few years, and there, I understand, there has been a very good proportion of women who went to the poll; and from the evidence given before Lord Lothian's Indian Franchise Committee, in Ceylon where there is practically adult franchise, it was repeatedly stated by the Witnesses that it

was astonishing what a large proportion of women went to the poll, and of Muslim women in purdah, who went to the poll.

2932. On Lord Zetland's question with reference to purdah, you will agree that, quite apart from strict purdah, there is a considerable amount of diffidence on the part of women in all parts of India to come forward and take their part in such a sphere where women's work would be so valuable; for instance, the vast field of elementary education. You agree, that at present there seems to be small chance of their coming forward in great numbers?—Yes. I think that difficulty is being overcome; but I think it is partly due to the fact that women who come into elementary education at present very often find themselves under the orders of a municipal Council entirely composed of men, and where there is very little protection for their interests; I was told that repeatedly.

2933. You regard, therefore, the franchise as the main spring of the chance that a woman has of coming forward and taking part in public life?—There are two main springs, if that is not a mixed metaphor, the franchise and eligibility, coupled with reservation of seats.

Sir Reginald Craddock.

2934. Miss Rathbone, could you clear up at all what the likelihood would be of the husband, either preventing his wife from voting because he disapproves, or, on the other hand, making her vote?—I think most people I spoke to admitted that that would be so to a considerable extent at first, that there might be a good many husbands who would not let their wives vote, and there would be a great many husbands who would expect the wife to vote as the husband told her; that was admitted.

2935. You thought that the more probable?—In the more backward households, but, on the other hand, many said there were a great many wives, even in purdah, who knew quite well how to make their will felt.

2936. From your answer, I gather that you formed the opinion that women play a great part indeed inside the household?—Yes; that I was constantly told. I may say that in this country we had precisely the same argument used, that women would only vote as their husbands told them. I do not think we have found it so. That a husband and wife should in a large proportion of cases take the

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same view, and, therefore, want to vote the same way, is inevitable, and I should say desirable.

2937. Did you hear at all of the dangers of personation in the case of women?—Yes; I think it was admitted that there was a danger of personation.

2938. Where it would be very difficult to identify the woman, who never appeared in public, as a rule?—Yes. Under a wide franchise there is a danger of personation, even in the case of men.

Miss Pickford.

2939. My Lord Chairman, in view of Lord Lothian's questions to Miss Rathbone, I have not very much to ask. In paragraph 4 of your Memorandum, where you speak of the reservation of seats, you do not like the proposal of the special seats for women in the Federal Assembly being by proportional representation from the Provincial Councils, and you suggest that the capital city of each Province should be chosen as the constituency for the Federal Assembly. Do you not think it somewhat invidious to choose out one constituency and allow that constituency to be represented in the Federal Assembly by a woman, and not allow any other constituency to have any say in her choice?—I think that could, perhaps, be got over by having a rotation of constituencies. I mean, one constituency should be chosen for one period of election, and then the choice should go to another constituency. I think it would matter, perhaps, less (it is a disadvantage) for the Federal Assembly. If there is to be only one, or at most two women, from the whole Province, they would probably be women who are widely known to women all over the Province. Therefore, I think the difficulty of having to select a constituency would not, necessarily, be such a great disadvantage as it might otherwise be, because the candidate need not necessarily come from that constituency. I only suggested the capital city, because probably it would be in the capital city that the largest number of women's organisations and the highly educated women would be, and I imagine it would be from that class, at any rate at first, that the women members of the Federal Assembly would be chosen, so long as there are so few of them as one or two. And one must remember there would still be the possibility of women in other constituencies trying to get into the Federal Assembly, in the ordinary way, by election.

2940. You would agree, would you not, that by selecting one constituency, whatever it was, the woman would be representative of that constituency, whereas if she was chosen by the Provincial Council, she would be, indirectly, representative of the Province as a whole?—Yes, and that would have advantages, but to my mind it is, perhaps, a greater advantage that the woman so chosen should be the representative of what women think and want, rather than the kind of woman that appears to a Provincial Council as the kind of woman they want. They may want her rather, because she is not likely to be troublesome, than because she is likely to be a good fighter for women's causes, and, balancing the two difficulties against each other, I think I should prefer having to make a rather invidious selection of a particular constituency, where the woman would, at any rate, be responsible to a wider electorate than have her the nominee of the largest communal body, because that is, I am afraid, how it would work out in a Provincial Council, where necessarily the great majority of those who chose her would be men.

2941. Arising out of an earlier answer, you said that, probably, there would be only two or three women of outstanding personality who would be likely to be selected. If that were the case, would not public opinion result in the return by the Provincial Council of one of those women?—I do not think I quite said there would be only two or three women of outstanding personality. I hope every Province in India is richer in women of outstanding personality than that, but what I said was, the most that have to be chosen in any Province is two; in Bombay and Madras, if I remember rightly, it is two. If there are only two women chosen, those ought to be picked from among the women who are known to the whole Province. They may be scattered over the Province, but they will be known in the capital, first of all; therefore, an election in the capital would not be an unfair test as to which of those prominent women was considered by the public generally to be the best person to represent the whole of the women in the Assembly. Women who did not get in in that way would still have their chance of getting in by standing for election in other constituencies.

2942. In Section 6 of your Memorandum you refer to certain subjects, and you say: "With regard to most of

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these, the Provincial Legislatures are to have concurrent powers." Can you point to any one in which the Provincial Council has not concurrent powers?—Certainly, in certain educational institutions. I do not think there is any other. I think they have concurrent powers in all the others.

2943. On the general questions which affect women, the Provincial Councils would have concurrent powers?—Nominally, but the point I wanted to make was that the conveniences of having All-India legislation on such subjects as property laws, marriage, etc., intestacies and succession, and even, in fact, factory regulations would tend to make the greater part of the legislation dealing with those subjects, Federal. There would be a strong argument against setting up a law in one Province that conflicted with the law of other Provinces, or the whole of India. Therefore, I was trying to make the point that the probabilities are that most legislation on those subjects, which will be subjects that most concern women, will be Federal legislation.

2944. Then in sub-paragraph (iii) of paragraph 16, there is a point there which is not quite clear. At the end of the paragraph you say: "For example, it has been suggested that the wives and widows of members of His Majesty's Regular Forces, being already scheduled for pension and separation allowance purposes, would form a small but easily differentiated group." Are you aware that a member of His Majesty's Regular Forces only becomes entitled to the franchise, as a member of the Force, on retirement, and that no active member is enfranchised—no member on active service?—I had proposed, before coming before the Committee, to get fuller information on that point. That suggestion was, I admit, not very fully thought out, and, in fact, I have been writing for fuller information about it, but the suggestion that was made to me was that the widows and widowed mothers of men who died in the Great War—that was one definite section that was pensioned—would be very easily scheduled. Then, I believe, there are certain allowances made to members of the Regular Forces for their families. I was merely thinking there of a way of getting at an easily differentiated class.

2945. But you would not suggest enfranchising the wife of a man on active service, for that reason, when the man on active service himself was not himself

enfranchised?—I do not think there would be a very great harm in that, because the very reason that the man, who is on active service is not enfranchised, is, I imagine, that it is not easy for him to exercise his vote, which would be rather a reason for enfranchising the wife, just as it was suggested in this country at one time that wives of sailors should be able to cast the husband's vote; but I do not attach importance to that suggestion. I merely take it as an instance of the possibility of selecting certain groups of the men voters given in the Appendix Schedule, in order to bulk out the women's vote. The proposal I would very much prefer is sub-section (i) of that paragraph in my memorandum which would be a much more satisfactory way of dealing with that difficulty.

2946. Just one final question. You said, in reply to Sir Reginald Craddock, that you had heard very much evidence of the influence of the wife, and particularly, perhaps, of the wife in purdah, on her husband. Do you not think, perhaps, then, that some of the men voters might vote as their wives direct them?—I think that is highly probable.

Sir John Wardlaw-Milne.

2947. Miss Rathbone, I want you to look at paragraph 31 of your Memorandum; there you refer, I have no doubt quite correctly, to the fact that the Government has not supported, in the past, certain social reform proposals, in deference to orthodox opinion, and in paragraph 26 you say: "It is often said that women themselves, especially the older women, are staunch upholders of these evil social customs," and you go on to give some references to child marriage particularly, but on the general question of these evil social customs, was it the result of your inquiry that there was a likelihood, if women were enfranchised, that they would be able to exercise considerable influence in favour of the removal of some of these customs?—Yes, I think so quite distinctly, because everywhere I found testimony with regard to it. Also, I have read very widely on this subject, I have lost no opportunity of discussing it with India women and experienced Civil Servants, and the wives of such Servants, so that I am not speaking only from my short visit to India, but I found everywhere testimony that nearly the whole of the articulate women's opinion is in favour of social reforms, and that they would exer-

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cise their influence in that way. If I may give the Committee a single instance, I was speaking, only last week, to a Civil Servant of very great experience in the Indian Medical Service, who was speaking very bitterly of the retrograde conditions he found in his Province in certain ways, and the difficulties he had to contend with. I said to him after some time: "Why is it there seems so much opposition to the women's vote in some quarters?" He said: "It is because the Provincial Governments think that the women's vote is going to be in favour of social reforms, and they are afraid of social reforms."

2948. Then referring to paragraph 26, you do not agree that the older women are staunch upholders of these evil social customs?—I have not sufficient knowledge to speak as to that, but I everywhere heard that it is often the case, I think it is so in every country, that elderly women, shut up in the home, are apt to be conservative. I am not speaking in a political sense—I mean conservative of abuses in the evil senses, but that is the more reason, I think, for enfranchising the younger women and giving them a say. The younger women of the present will be the old women of the future, and, if they are brought into touch with these questions and become wide awake when they are young, I have less fear of their action being reactionary when they are old. It is not so much a question of sex as their having been encouraged all these years to cling to these customs, and nobody has had the kind of inducement, which the franchise alone gives the outside public, to educate these women.

2949. And you hope for these results, in spite of the facts set out in your paragraph 29. You still think that the franchise is the only way to get their active influence for social reforms?—I think so, because in the long run, however shut away and however ignorant any class of people may be, they know the sufferings which they themselves and their own children endure, and in the long run it seems to me contrary to all common sense and all knowledge of human nature to suppose that women who are suffering so frightfully from evil social customs as Indian women are, are permanently going to stand up for those customs. A few of them may, the few who have been perverted and so injured by their customs. As some people say: "We have suffered; why should not our daughters suffer?", but that is not the majority, and you

can always trust to any class of people who suffer themselves, however ignorant they are, if you put the means of reform in their hands, sooner or later, and rather sooner than later, to learn how to use those means.

2950. And you assume, I see, in paragraph 7, that the best way of securing that, apart from the other examples you have given, is to add the wives to the property voters. You are not afraid of the husbands' influence. I will not question you upon that, because you have been already asked about it?—I do not so much wish to say that I consider it an ideal form of enfranchisement. I would rather have seen a larger element of less highly-propertied women, but I put forward the wives' vote because I think that, on the whole, you get that way the votes of the mothers and the wives who have a good deal of experience of life, and I see no other way of getting that now, short of adult franchise; but I do feel very strongly, if I may say so, in favour of the suggestion I, myself, put forward in bracketed paragraph (i), especially if the Committee insists upon the condition of application, that they should give the wife's vote to wives of all propertied voters, not merely the men voters who have the higher property qualification. If the vote was given to the wives of all propertied voters, it would extend very much lower down the social scale, but you would get the keener women out of every class, and I think that is better than getting all the women out of the highly propertied class.

Lord Eustace Percy.

2951. One question in regard to the Provincial Vote: You much prefer the literacy test to such a test as, for instance, is proposed by the Punjab, the passage of the primary educational standard?—Yes.

2952. But in the case of the villages, the two would be practically identical, would they not? What I am getting at is this: How many literate women who will not be enfranchised as wives of property owners would have had their education privately, so that there would be a difference between literacy and the passage of the primary standard? I am not sure, but I should imagine that in the villages there might be a good many women who had learned to read and write but who could not produce a Primary School Certificate, if it is true that many of

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the school records are very imperfectly kept, especially in regard to the older women, who got their education when the records were still worse kept.

Chairman.] Miss Rathbone, perhaps I may communicate with you through the Clerk to the Committee about your re-appearance. I propose to adjourn now.

(After a short adjournment.)

Mir MAQBOOL MAHMOOD, Dr. P. K. SEN, Mr. K. M. PANNIKAR, Mr. R. KAK, are again called in and further examined as follows:

Mr. M. R. Jayaker.

2953. Mir Maqbool Mahmood, may I take it that their Highnesses whom you represent here will favour a Constitution for India of Dominion Status in the shortest period of time, consistently with safeguards? (Mir Maqbool Mahmood.) Yes.

2954. I take it also that the Princes will support the drafting of such a Constitution on the basis I have just put to you?—Yes.

2955. Supposing the Reserve Bank were not to come into existence within the next few years, what is the view of the Princes? Will they favour the making of some financial arrangements during the interregnum without blocking the coming in of Federation?—Yes.

2956. I mean financial arrangements of the nature which were discussed at the Round Table Conference?—Yes, so long as the arrangements ensure the financial stability of the Federation.

2957. They would not like Federation to be held up pending the Reserve Bank being established, pending the making of these arrangements?—Not longer than is avoidable.

2958. What is the view of the Princes so far as it is possible for you to state it with reference to the British Indian view that, in the future Federation, the control of Federal Public Services, should be transferred to the Federal Ministers subject to the right of appeal to the Governor-General, for the protection of their salaries, emoluments and such other rights?—I think they would favour it.

2959. They would favour the transfer of control to the Federal Ministers?—Subject to appeal to the Governor-General, I think so.

2960. You stated that the relations outside the Federal sphere will continue to be with the Crown. Will you just explain what you mean. Do you mean by the words "relations outside the Federal sphere" non-Federal matters of common interest, like excise and other things?—(Mr. K. M. Pannikar.) Not non-Federal

matters of common interest only, but questions like paramountcy.

2961. You mean paramountcy only?—Not only that. Take, for example, the Army: before that is transferred we would require the consent of the States again.

Marquess of Salisbury.] What is the answer?—Before the reserved subjects are transferred finally to the full control of the Federal Legislature the Princes would desire that their consent should be taken and no transfer which would involve any change in their relations with the Crown should be permitted without the full consent of each individual Federating State.

2962. Would that include all the reserved services?—Not necessarily all the reserved subjects: all such reserved subjects as would affect their relationship with the Crown in paramountcy.

Sir Samuel Hoare.

2963. Have you not in mind in particular the case of the Army?—Particularly the case of the Army.

Marquess of Salisbury.

2964. When you say "in the case of the Army," what do you mean exactly by that?—The control of the Army, since it involves the defence of India, and since the defence of India includes the protection of the States from internal commotion and external aggression, we consider to a very large extent mixed up with the question of paramountcy; so before the transference of the full control of defence, the consent of the Princes should be taken and there should be full consultation with them. Without their consent such a transfer should not take place so as to affect paramountcy.

Mr. M. R. Jayaker.

2965. I take it, when you use the expression "relations outside the Federal sphere" you mean questions of paramountcy and allied questions?—That is so.

2966. You do not mean by that matters which are non-Federal, but which are of

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common interest, like excise? You do not mean such matters?—No, we do not.

2967. And you are quite agreeable, so far as you can speak on behalf of their Highnesses, that such matters should be adjusted between the Federal Government and the States concerned?—Undoubtedly.

Sir N. N. Sircar.

2968. May I ask Mir Maqbool to give me a concrete case of an indirect tax which would not be objected to by the Princes; could he give me an illustration of an indirect tax to which there would be no objection?—(Mr. Pannikar.) Excise, for example, on matches or tobacco.

2969. Did I understand the answers correctly given on the last occasion, that if there is an excise on matches the Federation was not going to interfere in the assessment?—(Mr. Pannikar.) The Federation is not to interfere in the collection. The assessment will be on a general principle. The tax will be levied by the Federal Legislature but its collection will be, in cases where the States desire to collect it through their own machinery, by the State.

2970. There is one answer given on the last occasion which reads as if you were objecting to assessments by the Federation. That is not what you were intending to say?—In this case the tariff would be the same. What I objected to was direct assessment which would involve the Federal Officers calculating the income of various industries and determining what should be the basis of collection in that particular State.

2971. May I put one more question: Does it mean that in State A, if the State says: “£500 is all we shall get on collection,” and the Federal Officers say, “You ought to pay £1,000,” would you put up with that?—Where we have reserved administration we have not objected to inspection by the Federal Government; that is, where the administration has been reserved for the States, the necessity for providing for Federal inspection and Federal supervision within the limits of that particular subject has not been denied by the States. Therefore, that question, it seems to me, does not necessarily follow from the answer that I have given in regard to assessment.

2972. Supposing, as a result of inspection, the Federal Officer says that the State has under-assessed and that they ought really to pay £1,000, whereas they

are giving us £500, would you put up with that?—That is a matter between the State and the Federation, undoubtedly.

2973. You have no objection to that?—It is a matter for settlement. If it is said that a particular State is under-assessed it is a matter for settlement between the Federation and that State.

Sir Tej Bahadur Sapru.

2974. Supposing the Government of India says you are under-assessed, are you prepared to carry out the Government of India's wishes?—Certainly.

Sir N. N. Sircar.

2975. In that case, you will pay the £1,000?—Yes.

2976. And not £500 as you started with?—Yes, undoubtedly.

Sir A. P. Patro.

2977. Will you say, following on what you have just said in reply to Mr. Jayaker's question, that if the reserve bank is not to be formed, the Princes would join the Federation and work the Federation? Has that question been considered by the Chamber of Princes?—(Mir Maqbool Mahmood.) I said that on the assumption that alternative arrangements are evolved in the meantime to ensure the financial stability of the Federation.

2978. My question was whether that subject was considered by the Chamber of Princes?—Yes.

2979. And did they come to any resolution which was passed on that matter?—That is my interpretation of the decision. The Reserve Bank is not one of our specific safeguards.

Sir Samuel Hoare.

2980. What would be the attitude of the Princes if no such alternative was found?—I have no specific instructions on that subject I think. They would take it that no financial settlement had been reached.

Sir Samuel Hoare.] We have discussed at very great length questions connected with the reserve bank, and, rightly or wrongly, we came to the conclusion that there was no other alternative that would effectively ensure the financial stability and credit of India. It was on that account that I put the question to the witness: Had the Princes any other alternative in mind, remembering very well that, after almost endless discussions, we could find no other alternative?

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Marquess of Salisbury.

2981. What was the answer?—If the Princes are convinced that there is no other alternative, obviously they will have to consider the whole scheme, as contemplated in Paragraph 60 of the introduction to the White Paper, in consultation with the other parties concerned.

Lord Hardinge of Penshurst.

2982. In fact, they would reconsider their position?—They would reconsider their position in the light of the new situation.

Sir Tej Bahadur Sapru.

2983. Does not the expression, "reconsidering their position," mean that they would not come into the Federation?—No; they would reconsider the situation with a view to finding what other methods are possible, with a view to carrying on the scheme.

2984. That does not answer my question?—Would you specify it clearly, please?

2985. Exactly what do you mean by "reconsidering their position"?—That means to my mind that they will then say, "We are not going to come into the Federation"?—Not that. They would not go behind their declaration, but they would reconsider it in view of the paragraph in the Introduction of the White Paper to which I referred just now. Paragraph 60 of the Introduction to the White Paper is where the possibility of reconsidering the financial arrangements under certain contingencies is contemplated, but it does not mean that they would retrace their steps or their declaration that they would be prepared under certain conditions to join the Federation.

Sir A. P. Patro.

2986. May I know what you mean by "reconsideration of their position"?—Reconsideration of the financial position and the safeguards due to the impossibility of founding the reserve bank in the near future.

2987. Do you mean they would consider the necessity or the desirability of withholding from the Federation? Do you think that they would consider the necessity or the desirability of retracing their steps from Federation?—I do not think so.

Sir Samuel Hoare.

2988. Would it not be correct to say the position of the Princes is very much

the same position as that of the British Government, namely, that if conditions, over which no one has any control continue, and it is impossible to set up the reserve bank, then we are pledged to a further consideration of the situation in the light of those circumstances?—Yes, Sir; with regard to Federal finance.

Sir A. P. Patro.

2989. Will you please refer to the decision of the Chamber of Princes which you have interpreted to be in the manner you gave in reply to my question? Will you kindly refer me to the decision of the Chamber of Princes which you have interpreted now?—I am not free to disclose the decisions of the Standing Committee of the Chamber of Princes, but I think I may say that their Highnesses desire that, consistent with the safeguards, the setting up of the Federal Constitution should be proceeded with.

Mr. M. R. Jayaker.

2990. By "reconsidering the position" do you mean they will reconsider under what alternative arrangements of financial safety they will come into the Federation?—Exactly.

Marquess of Salisbury.] "Reconsider" is a well known doubtful word. If you would try to clear it up a little more I should be pleased.

Sir Tej Bahadur Sapru.] I am not satisfied with the answer given by Mir Maqbool Mahmood.

Sir Hari Singh Gour.

2991. May I draw your attention to this passage you have referred to: "If, after the review contemplated above, the probability of such a situation should be disclosed, it would obviously be necessary to reconsider the position, and it might, *inter alia*, be necessary to revise the Federal finance scheme contemplated in these proposals"?—That is so.

2992. Do you wish to go beyond this statement?—No.

2993. You do not wish to go beyond this statement?—That is so.

2994. By the word "reconsideration" you are paraphrasing in your own words what is contained in the White Paper?—Yes.

Marquess of Salisbury.

2995. "Reconsider" might mean one or two things. It might mean that you would find out some other method of arriving at a similar result, or that you would consider the whole question

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again?—I do not think the second alternative is in view, on the assumption that a financial scheme can be evolved which would be workable.

Viscount Burnham.

2996. For my own information, I should like to know from Mir Maqbool Mahmood whether "reconsideration" means that it would be a condition precedent to the Princes coming into the Federation that they should be satisfied with the new financial arrangements?—That is so.

Mr. Rangaswami Iyenger.

2997. Have the Princes considered what their attitude would be if it is found that there is no alternative to a reserve bank and there is going to be a period of transition during which, while the Act may be on the Statute Book, Central responsibility and Federation does not come into existence for any period of time?—We have not gone into the details of it.

2998. In other words, the position which might become possible in consequence of what the Government of India or the Secretary of State now reports to us, of being unable to find an alternative to the reserve bank has not been considered by you?—Not specifically.

2999. Will you be prepared to consider what will be your position in regard to a Constitution which puts off Central responsibility and Federation on that basis?—Certainly.

Dr. B. R. Ambedkar.

3000. Arising out of these questions, I want to put the thing as I see it. You know in the White Paper there is one condition laid down for the inauguration of the Federation: that is the joining of a certain number of Indian States. Then for the transfer of finance an important condition is laid down, and that is the introduction of the Bank. What I want to ask you is this: Would the Princes be prepared to join the Federation if finance was not a transferred subject?—I have no definite instructions on that question, but I do not think that, considering the trend of their discussions, they would be prepared to.

3001. They would not be prepared to join the Federation if finance was not a transferred subject?—I do not think so.

3002. Coming to other matters, in the course of the evidence that you gave last time, Mir Maqbool, you stated that in

case all the Princes did not join the Federation at once you would like to have a system introduced whereby those Princes who would join the Federation should be allowed to have the benefit vicariously of the votes of those who did not join. Have I put it correctly?—That represents only one aspect of the position.

3003. That is the position you take?—That is half the truth, not the full truth. We contemplate two aspects of the position.

3004. I know your Confederation?—Not that: One is, that States which are entering will do so on the assumption that the States' position in the Federation would be 40 per cent. in the Upper House and one-third in the Lower House; that is with regard to the States which entered, individually; the other is in regard to those States which are outside, that they are also affected by the decisions of Federation. Those are the two aspects, and I understood your question referred to the second.

3005. I just want you to concentrate your attention, if you please, on this point: I thought I understood from you, last time, that you wanted to lay down as one of the conditions, that if all the States did not enter the Federation at once in the beginning, and that if only some entered and others kept out, you would like a system of weightage, so to say, in which those Princes who entered the Federation would claim, or cast, votes vicariously, those which were the share of those which did not enter. That is the position?—Yes.

3006. Now what I want to ask you with regard to that, is this: What would be the position of those States which would not enter the Federation at the start, but whose votes were used by those who did enter *vis-a-vis* the Federation, with respect to taxation and with respect to Federal legislation? Would Federal legislation be operative in those States which did not enter, but whose votes were used?—It would, substantially, be the same as it is now.

3007. No; my point is this: Would the Federal law be operative in those States which did not enter the Federation, but whose voting strength was used by States which did enter the Federation?—I think in certain matters of taxation, it would apply in spite of it. In other matters it would apply by negotiation.

3008. Would they be regarded as member States of the Federation?—No.

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3009. They would not be?—No.

3010. And yet their votes would be used?—Yes. In the same way as under Article 147 of the Canadian Constitution, Nova Scotia and New Brunswick exercised the votes of Edward Island in the Senate that the latter formed the Federation.

3011. Now I want to ask some questions about nationality. I do not know which of you gentlemen would address yourself to that matter. I think it is common ground that the subjects of the Indian States are aliens, so far as British-India is legally concerned?—(Mr. Panikkar.) They are British protected people, but, in law, they are aliens.

Sir Hari Singh Gour.

3012. They are not British subjects?—They are not British subjects.

Dr. Ambedkar.

3013. They come within what is known as the Foreigners' Act in British India?—I do not think so.

3014. You can take it from me, that they do. Anyhow, it is common ground, that they are not British subjects, and you do not propose, I suppose, to regularise the position which would be most compatible and consistent with All-India Federation, to have one common Indian nationality?—(Mir Maqbool Mahmood.) That is not contemplated.

3015. So I take it that the result of this will be that if the situation which obtains now continues, aliens (I mean subjects of the Indian States) would be entitled to the franchise, would be entitled to stand as members of the Federal and the Provincial Legislatures, and would be entitled to hold office of trust under the Crown, without being subjects of the Crown?—That is possible, even now.

3016. I know it is possible?—It has happened, even now.

3017. But what I want to ask is this: Do you not regard that as an anomalous thing?—We do not think so.

3018. Can you cite to me any Constitution in which an alien is entitled to the franchise, is entitled to stand as a member of the Legislatures, and is further entitled to hold office of trust?—Even here our distinguished Delegate, Sir P. Pattani, was a member of the Executive Council.

3019. I know that, but what I am trying to impress upon you is that that is

an anomalous thing, something which is not found in any other Federation?—I cannot cite another instance at the moment.

3020. You think it is a very wide system in which a subject of an Indian State may hold an office of trust under the Crown, and yet may be subject to what is known as the Foreigners' Act?—But he takes the Oath of Allegiance to the Constitution.

3021. Do you think that would take him out of the purview of the Foreigners' Act?—If it is necessary for you to reconsider that Act, you might do so.

3022. That is the point I am putting. Would it, therefore, not be desirable to have a common Indian nationality?—I am afraid we have not considered the legal implications of this position.

Mr. Jayaker.

3023. Has this question of a common nationality been considered by the Princes at all?—Yes.

Dr. Ambedkar.

3024. And they do not approve of it?—(Dr. Sen.) The Princes have not denied the allegiance of their subjects to the British Crown, subject to their allegiance to the Rulers of the States themselves, and therefore the State have always been allowed, in the Provinces of India the same privileges as British Indians.

3025. I am talking about the legal position as it would be?—I do not think, if I may say so with respect, that analogy would help us very much in a case of this kind, because the position as regards the States in India and their relationship with the Crown is undoubtedly unique, and you cannot, therefore, draw much help by analogies of that description; but as a matter of fact, the question of nationality is pre-eminently important, and I dare say some proper solution could be arrived at after consideration. It is hardly possible to give a definite answer with regard to the legal position and all the implications arising therefrom, in evidence. Asked to repeat the answer. I said that in a matter like this it is very difficult to derive any help from analogy. What is, or is not, present in other parts of the world will not very much help us, because the position of the States in regard to the British Crown is very unique and, therefore, we have it here (it may be anomalous) that whereas

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the State subject owes allegiance to his own Ruler, he also owes allegiance to the Crown, and in order to adjust the legal position and all the implications arising therefrom, the matter has to be considered in all its bearings. It is hardly possible to give an answer in the course of evidence as to what should be the legal implications of such a position.

Mr. Jayaker.

3026. Therefore, may I take it that no final and unalterable decision upon this point has been arrived at by the States?—No.

Dr. Ambedkar.

3027. I am satisfied that you regard the position as anomalous and worthy of consideration?—It is, undoubtedly, worthy of consideration.

3028. Now I want to ask you a question about this Federal Court. Will you look at paragraph 155 of the White Paper? You will see there that there is no provision made for a Federal Court having any jurisdiction in a dispute arising between a citizen from an Indian State versus a British Indian Province, or a citizen of a British-Indian Province versus an Indian State. Do you not agree that it is necessary to provide a forum whereby a British-Indian subject having a cause of action arising out of a Federal law against an Indian State should have a forum wherein he could vindicate his right?—As I understand the White Paper, it is contemplated that Section 155 would apply only to certain special cases where the parties are State and State, or State and Province, or State and Federation, or Province and Federation. As regards a particular individual having a cause of action against a British-Indian Province or a State, there is really no provision that the Federal Court will have jurisdiction. It is, evidently, implied that the place where the cause of action arises or the place of residence of the defendant, as is ordinarily the case according to the Code of Civil procedure, will determine the forum where the litigation will take place.

3029. That is not the question. The question is this: Whether the Federal Court would have jurisdiction?—No, it is not contemplated that the Federal Court will have jurisdiction.

3030. Supposing a dispute arises out of a cause of action out of a Federal Legislation, the ultimate forum, wherever

the original suit may lie, certainly must be the Federal Court?—May we not first look at the original litigation, the suit itself?—It evidently contemplates that the suit will lie, either in British India or in the State, as the case may be. Then we come to the question of appeal.

3031. But the suit may be of such a large character that the jurisdiction may lie with the Federal Court itself?—I do not think so.

3032. All that I want to draw your attention to is this, that in the provisions contained in paragraph 155, there is no provision made for a private citizen to vindicate his rights arising out of Federal Legislation against a Native Indian State, or a citizen of an Indian State against an Indian Province?—Evidently.

Sir Samuel Hoare.] May I just intervene for one moment to clear up this point. I think you will see that paragraph 155 deals with original jurisdiction and not with appellate jurisdiction. The original jurisdiction would be in the State Court, I assume, but that does not mean, in the case of a constitutional question arising in the Federal field, the ultimate appeal would not be to the Federal Court.

Sir Tej Bahadur Sapru.] That is exactly the point that should be brought out.

Sir Samuel Hoare.] That is so.

Sir Tej Bahadur Sapru.] May I just make one statement? I was interested in this question, and this question was considered by the Committee which was appointed by the Lord Chancellor. In India you have, at the present moment, about nine High Courts, and very often you find that on an important question one High Court takes a different view from another. Unless the point comes up to the Privy Council here, the point is never set at rest. Now if it should happen in British-India—for instance, there was a case in Madras, a case arising in a subordinate Court in Madras which involved the interpretation of a Federal Statute. It may go up to the Madras High Court. The Madras High Court, on appeal, may take one view of a Federal Statute; a similar case may go up in the United Provinces and those High Courts will take a different view. The result of that will be that there will be a tremendous amount of confusion, if I may say so. Similarly a case may arise in Hyderabad or Mysore, and

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their Courts may hold different views, and it was for that reason contemplated, I think, by that Committee that, whether a case arises in an Indian State or whether a case arises in a British-Indian Court, if that case involves the interpretation of a Federal Statute, the final authority shall be the Federal Court, so as to prevent this conflict of opinion, and to secure uniformity of practice. Now it is on that point that I should like the Indian representatives of the States to make a statement.

Sir Akbar Hydari.] Was not it in the course of that discussion decided that when there was this conflict of interpretation the point at issue might be resolved into a reference which might be made to the Federal Court impersonally, without reference to the particular suit?

Sir Tej Bahadur Sapru.] No. May I point out to you, Sir Akbar Hydari, that there are two ways of getting a decision of the High Court in India, and, indeed, the practice in India is not very different from the practice in England: either you may take the matter to the High Court and get its decision, or you may authorise the subordinate Court to make a reference to the High Court or the Federal Court to give its opinion on the issue which is submitted to it. Now when that issue has been decided by the Federal Court or by the High Court whichever way you take it, it will be binding on the subordinate Court which has made the reference.

Sir Akbar Hydari.] Was not the second procedure the one which was recommended for clearing up any conflict of interpretations?

Sir Tej Bahadur Sapru.] No, I do not think so. It is open to you to say that you prefer the second one, but I want some statement upon that point.

Lord Rankeillour.] Is not Dr. Ambedkar's point really met by paragraph 156, the very paragraph that follows, that, of course, it is quite a different question whether there should be an ultimate appeal to the Privy Council, or not. Dr. Ambedkar's point is surely met by paragraph 156.

Sir Tej Bahadur Sapru.] Quite, my Lord, but the point is whether the Indian States are prepared to apply that to their Courts. That is the whole point.

Lord Rankeillour.] Whether they are prepared to accept it, or not, it says an appeal from the State Court, under paragraph 156.

Sir Samuel Hoare.] This is really a very complicated question. Within the wider field, there are these two narrower points: Should the Federal Court be the ultimate Court of appeal, only upon constitutional issues arising out of the Federation, or should it also be the ultimate appeal for the interpretation of the Federal Act? Those, really, are two separate points.

Sir Tej Bahadur Sapru.] Quite so.

Sir Samuel Hoare.] It is true to say, that in the White Paper we only deal with the first of them, namely, of the decision on appeal of a Constitutional issue, and we do not deal with the second of them—the interpretation of the Acts of Federal Legislature. That is obviously a question that is open for discussion, and we think it is better, as at present advised, to make the proposals that have been made.

Mr. Jayaker.] Does not proposal 156 include the interpretation of the Federal Acts?

Sir Samuel Hoare.] No, that is not covered.

Sir Hari Singh Gour.] “or of any rights or obligations arising thereunder” under paragraph 156.

Chairman.

3033. Do the States' representatives desire to amplify their last answers?—(Dr. Sen): I was going to say, my Lord, that, so far as the Chamber of Princes understands, paragraph 156, there is no reference whatsoever, in that proposal, to the interpretation of Federal laws; it is the interpretation of the Constitution Act, or the rights or obligations arising thereunder. If the question now being debated is what should happen in regard to the interpretation of Federal laws, and in the event of different decisions being given by different Courts, how those differences may be solved by an ultimate Court of Appeal, that has not been provided for in the White Paper.

3034. Has it been considered by you?—I find, from the discussions in the Federal Structure Committee, that that point did arise. May I, my Lord, read a portion of it?

Rao Bahadur Sir Krishnama Chari.] My Lord Chairman, we have been holding meetings amongst ourselves to consider this question of Federal Courts, and we shall be very glad, when that subject comes up, to be finally in possession of all these points.

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Chairman.

3035. That might be a better way of dealing with it?—(Dr. Sen.) May I add one answer? If it is sought to make some provision for resolving differences arrived at by the different Courts, surely it will not be difficult to make provision for it, but that will always be subject to the position which the Princes have taken up: that there should be no appeal from the interpretation of Federal laws from the State Courts to the Federal Courts; there should be no appeal, but in case it is found that on a particular point of importance there is a difference of opinion arrived at by the different Courts, then I think it would be in the interests of all concerned to have some machinery devised in order that an ultimate decision may be obtained, setting at rest all differences. We have not considered that at all, because that does not arise from the White Paper.

Sir Samuel Hoare.] I am inclined to think that we should probably deal with it, as the witness has suggested, better in a more specific discussion. We are seized of your point.

Rao Bahadur Sir Krishnama Chari.] We are quite prepared, when the discussions are over, to give a statement of our views on this very complicated question.

Dr. B. R. Ambedkar.

3036. Will you please refer to paragraph G of your Memorandum, Document 21, sub-paragraph (c)?—(Mir Maqbool Mahmood.) Yes.

3037. At the end of that paragraph you suggest that in case a particular State fails to enforce the decree of the Federal Court powers should be given to the Viceroy to do so?—(Dr. P. K. Sen.) Yes.

3038. Why do you want to give this power to the Viceroy and not to the Governor-General or to the Federal Ministry? The Federal Court is part of the Federal Constitution?—In the event of a particular order of the Federal Court not being carried out by the State unit, it seems that the appropriate person to see that it is carried out is the Viceroy.

3039. Why the Viceroy? Why not the Governor-General or the Federal Ministry? Why the Viceroy?—Because the Viceroy is in touch with the State in his position as representative of the paramount power to see that a particular

function which the State ought to fulfil is fulfilled.

3040. No, I take a different view, and I want to put that view to you. The Federal Court is part of the machinery of the Federal Government, and it is the Governor-General who, under the White Paper proposals would be the person who would represent the Federation and not the Viceroy. The appropriate party therefore to have this power, if anyone is to have it, is the Governor-General and not the Viceroy?—The question is whether the Governor-General as Governor-General, and as head of the Federal Executive, will be able to enforce the particular order in the State.

3041. My point is that he should be able to do it, not the Viceroy. The Viceroy represents the Crown in relation to paramountcy in these things?—What is the sanction for the Governor-General? We apprehend that it would be the Viceroy who would have that particular relationship of control as representative of the paramount power to bring it into effect.

3042. I do not know whether I have made myself clear. My point is that the Federal Court is part of the Federal Constitution?—Undoubtedly.

3043. And the head of the Federal Constitution will be the Governor-General and not the Viceroy?—Yes.

3044. Consequently, the enforcement of the decisions of the Federal Judiciary, which is part of the Federal Constitution, properly belongs to the Governor-General and not to the Viceroy, and therefore it is the Governor-General who ought to have the power of enforcement?—All I can say is that it seems to the Chamber that the proper procedure would be for the Governor-General to proceed through the Viceroy.

3045. I will not pursue that point further. Mr. Panikkar, in reply to a question put by Mr. Jayaker, you said that it would be necessary to have the prior consent of the Indian States before the subjects which are going to be reserved at the centre are transferred, especially the Army. Have I represented you correctly?—(Mr. K. M. Panikkar.) Quite correctly.

3046. Do I understand you to say that if the States assert, at the next time when a question for discussion arises, that the Army should not be a transferred subject, it would not be transferred?—Presumably so.

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Sir Tej Bahadur Sapru.

3047. That would mean that you would be the determining factor?—Not necessarily. The Crown has certain obligations to the States in regard to their defence. The question whether the States are prepared to transfer those obligations to the Federation must be determined by them. It is not a thing which British India can decide for them, whether they are prepared to accept the obligations which the Federal Government no doubt will be prepared to undertake, but which the States may not be prepared to entrust to them. I have no doubt when the time comes they will decide in a suitable manner, but the question whether their safety can be best given by the Crown or by the Federal Government is a matter that they alone can settle.

Mr. N. M. Joshi.

3048. May I just continue this very question. You suggest that the consent of the States is necessary before Parliament transfers the control of the Army to the Indian Federation?—That is so.

3049. May I ask you whether you envisage by the consent of the States consent of the majority of the States that have joined, or consent of every State that has joined—The consent of each individual State.

3050. So you realise that even if Parliament agrees, say, after 20 years to transfer the control over the Army any of the individual State members can prevent Parliament transferring the control over the Army to the Federation?—I might suggest two answers to that question: One is that if the time has come for the Princes to decide that their defence can be undertaken by the Indian Government as well as by the Crown, then the decision, though it cannot be by a majority, can easily be foreseen in view of the fact that the Federation is constituted both by themselves and by British India. Federation is not a purely British Indian institution, but a Constitution of which the Princes themselves are a part. There cannot be any difficulty when the proper times comes for the Indian States to feel that amount of security which probably the Federation will be able to ensure to them. Apart from that if Parliament decides that the time has come, I dare say Parliament will find methods and means by which

they could persuade the Indian States that their defence can be undertaken by the Indian Federation. (Mir Maqbool Mahmood.) May I supplement that answer on this question. It has been assumed that in the course of discussions here between Delegates of British India and the States and the British representatives on the Committee that some basis would be evolved regarding the procedure to be adopted for the further extension of the Constitution, and that will be embodied in the Treaties of Accession.

Rao Bahadur Sir Krishnama Chara.

3051. You have not instructions on that, have you?—I have instructions on that subject. It would be upon the procedure agreed to between the parties that the future developments would depend. If with regard to certain guaranteed matters it is decided that the consent of each individual State is required it will be so. If it is decided that with regard to certain matters some less rigid method is required it will be so.

Mr. M. R. Jayaker.] Has a decision been arrived at on that by the States?

Sir Akbar Hydari.] Not by the States. Please say "the Chamber Princes," because we do not associate ourselves with several of the replies given

Mr. M. R. Jayaker.

3052. Do you suggest that all these nice points have been considered by the States and a decision arrived at?—Not in detail, but on the question of the reserved subjects we have had specific instructions.

Mr. Rangaswami Iyenger.

3053. The question is still remaining unanswered, that even if one individual State says "Having regard to the rights of paramountcy that we can claim from the British Crown, we do not consent to the transfer of the Army to the Federation,"—?—That State ceases to be a member of the Federation.

3054. How does it?—Because the Constitution will be so fundamentally amended that it would be done without its consent.

Sir Tej Bahadur Sapru.] I was suggesting to Mr. Panikkar and Mir Maqbool Mahmood that the scheme which they are suggesting may possibly have been considered by their Highnesses recently, but that was not the scheme which was discussed by us at the Round Table Con-

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ference, nor do I think that was the scheme with which His Majesty's Government has been at any time concerned.

Sir *Samuel Hoare*.] Is there really so much difference between the point of view taken up to-day and the point of view which was taken up at the Round Table Conference discussions? It seems to me that this question has been very much magnified in the course of the afternoon. I think we have always admitted that if future Constitutional developments impinge in any way upon the States Treaties with the paramount power, then they would have to be consulted upon the basis of their Treaties, and they would be entitled to reconsider the position, and I thought that had always been accepted by everybody.

Sir *Tej Bahadur Sapru*.] Yes.

Sir *Samuel Hoare*.

3055. Obviously it arises in a question like defence, and it seems to me, listening to the evidence given this afternoon, and the questions that have been asked, that an appearance has been made that the Princes have gone beyond that position. Do I understand they have gone beyond that position or not?—(Mr. *Pannikar*.) No, they have not.

Mr. N. M. Joshi.

3056. May I take it that your view is that if Parliament after some period thinks of transferring the control over the Army to the Federation either all the States will agree, or any State which does not agree may be permitted to leave the Federation?—Undoubtedly.

3057. I shall leave that point, and press you to turn your attention to Appendix VI, page 114 of the White Paper, the list of Federal subjects?—Yes.

3058. "Article 9. Emigration from and Immigration into India and Inter-Provincial Migration, including regulation of Foreigners in India." This is a Federal subject. You will find from these words that there is no provision regarding Immigration and Emigration between British India and Indian States?—No.

3059. If the position is maintained as it is given in the White Paper, the Indian States will have a voice in the control of even Inter-Provincial Migration, and the States will have also a voice in controlling migration from British India into Indian States, but the

migration from the Indian States to British India will not be within the control of the Federal Government?—That is one of the reasons why we suggested that the whole list might be examined with a view to its content. In our view emigration should become therefore a matter of Central Legislation and not a matter which would affect the States. In our Memorandum we stated that the whole list would want scrutiny from that point of view. Apart from my being able to say that so far as it is a central subject the Indian States would not desire to interfere in its discussion, we have no desire to include emigration from or into Indian States as a Federal subject.

3060. You recognise that this is only a one-sided arrangement. The arrangement proposed in the White Paper is a one-sided arrangement. It gives control to Indian States?—That is for you to consider.

3061. Mr. Panikkar, as regards this Federal list, I shall ask you one more question and before I ask the question I shall read to you a few lines from the Report of the Royal Commission on Indian labour. The lines are these: "So long as there exist side by side areas in which legislation is comparatively backward, there will be a handicap to progress in the rest of India. There are therefore good grounds for making labour legislation both a Federal and Provincial subject." May I ask you whether you recognise the sound principle underlying this recommendation of the Royal Commission on Indian Labour?—No.

3062. That is, you would not consider that this is a proper subject for being made a Federal subject?—Not so far as it affects the Indian States.

3063. May I ask you what your reasons are?—The reasons are that the law will have to be administered by the States. So far as we have accepted the Federal subjects, except in very special cases, it has been in relation to matters where the administration also is done by the Federal Government, that is, it does not interfere with our internal administration, and we do not want in any way that the Federal administration should interfere with the internal administration of the States; While, if this is done, this matter of labour legislation is a matter which is so

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comprehensive in its inspection and supervision, that it interferes with that aspect of State administration, and we are not prepared to make it a matter of Federal Legislation.

3064. Even if the administration is left to the Indian States?—That is so. (Mir *Maqbool Mahmood*.) May I supplement that question with a statement that even on questions of international labour regulations the India States have always co-operated as far as possible in the improvements required, and by keeping it out of the Federal Legislation it does not mean that we do not subscribe to practical emendations of the labour conditions.

3065. I never said that. May I point out to Mr. Panikkar that in the Federal list you yourself make two classes, the first 48, and the remainder?—(Mr. K. M. *Panikkar*.) No, we do not make that distinction. We have from the very beginning suggested that the Federal list and the Central list should be separate.

3066. The White Paper has done it?—Not so far as I can see.

3067. The White Paper has put on the Federal list the items up to 48 which you agree are also?—It is not obvious to me, if you will permit me to say so, how that differentiation has been made here.

3068. You do not yourself understand it?—It is not quite clear.

3069. I shall not pursue that subject. In the Appendix to your Memorandum I shall first take No. 5: "The system and method by which their representative will be chosen must be a purely State concern and no interference of any kind by Federation shall be permitted." I shall draw your attention to paragraph D (e), this sentence: "The Standing Committee of Princes attaches the greatest importance to the effective maintenance of the co-ordinate powers of the Upper House—which is designed to enshrine the federal principle"?—(Mir *Maqbool Mahmood*.) Yes.

3070. You recognise there that the Upper House which somehow enshrines the federal principle is different in character from the Lower House?—Yes.

3071. May I therefore ask you what difference will you make in the representation of the people in these two Houses?—That is a question for each individual State to decide having due regard to its own conditions.

3072. My reason for asking you this question is this: As it is also a question

for the State to decide whether they should join the Federation or not, it is a question for British India also to say or decide whether there shall be a Federation or not?—Quite so.

3073. Therefore we are anxious to know how different you propose to make your representation in the Lower House and in the Upper House?—One difference is obvious in the composition, because smaller States will not have so much representation in the Lower House as they would have in the Upper House. Moreover, the voting strength of the bigger States in the Upper House and in the Lower House will not be on the same proportion, and what we meant by Federal principle being enshrined in the Upper House was that in the allocation of seats in the Upper House, between the various units of Federation, there is more or less a different basis of distribution than there is with regard to the Lower House, and the essence of all Federal Constitutions is to reconcile these two elements.

3074. May I ask you when the Indian States will be in a position to tell us how their representatives will be appointed?—I do not think there will be any definite occasion for them to tell you.

3075. That is, we should agree to a Federation without knowing what is the character of the representation of the Indian States in the Federation?—They have made it clear from the very beginning. I think Their Highnesses of Bikaner and Bhopal made the position of the States clear, and it is still the same.

Mr. N. M. *Joshi*.] Will you turn to page 70, paragraph 122 of the White Paper. It says there: "The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting in British India any British subject." May I ask you whether the subjects of Indian States are British subjects?

Sir *Hari Singh Gour*.

3076. That has been answered?—They are not

Mr. N. M. *Joshi*.

3077. So they do not get the benefit of this paragraph 122, that is that no discriminatory legislation should be passed against British subjects?—This is one of the subjects that will be further considered.

3078. It will be further considered?—In the course of discussion between the

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States representatives and others on this Committee.

3079. Then I would like to ask one question on paragraph 4 (d), you do not agree with the proposal of the White Paper, giving power to the Governor-General to permit discussion or interpolation on matters connected with any Indian State. Now I want to ask you this question: You state that you do not agree with that, because you say: "as it stands, this clause appears to negative the whole basis of the Princes' adherence to Federation." May I take it that this means that you are afraid that this goes against your principle of sovereignty?—That is so; it may bring in domestic questions of the States, if the Governor-General permits.

3080. At present, in the Indian Legislative Assembly, we are permitted to discuss the treatment given to Indian subjects in the United States of America. The United States of America have never complained that, because there was discussion in the Indian Legislative Assembly, its sovereignty was assailed. Why do you, therefore, take the view that, even when an independent State like the United States does not consider that its sovereignty is violated by a question being discussed in the Indian Legislature, that your sovereignty will suffer if a subject is discussed in the Indian Legislature?—The States accept the position with regard to them under the present Government of India Act and the Rules. If any change is required on any specific question, it should be after further negotiation; but they accept the present position of the States under the Government of India Act and the Rules

Sir H. Gidney.

3081. I understand that the Witnesses do accept that the Federal Court is a part of the Federal Constitution?—Yes.

3082. If that is so, will you please refer to Appendix A 9 of your Memorandum, in which you state that the Federal Court derives its authority from the Crown as well as from the Rulers of each Federating State. Do you mean by that, that it is optional for any Federating State to accept the Federal Court?—(Dr. Sen.) No, what is meant is that, so far as the States are concerned, the Federal Court becomes a part of the Federal machinery, by the State accepting it as such.

3083. Will you please refer to page 295 of the evidence given by you on the 22nd June, in reply to Question 2438, by Sir Hari Singh Gour, he said: "Now you have said that, so far as the Chamber of Princes is concerned, they have not yet decided whether or not to join the Federation because they wish to see a completed picture." Your reply was: "Quite so."?—Yes.

3084. That means you are still in a state of great indecision?—(Mir Maqbool Mahmood.) No. So far as the States are concerned, they cannot give a definite yes or no until the Constitution is available.

3085. Although the matter has been under your consideration for years?—We have blest the principles of Federation and have expressed our willingness to come in.

3086. Outside of blessings, do you realise that any inordinate delay will place the blame of delay in giving responsibility at the Centre on the shoulders of the Princes?—The States have declared that they are prepared to come into the Federal Constitution, if it is satisfactory, and whether it is satisfactory or not, they should know within a reasonable time of the Constitution being available.

3087. Say the White Paper is accepted *in toto* by the Houses of Parliament, would you come into the Federation at once?—As at present advised, I do not think so.

3088. Say your modifications to the White Paper or any alternative scheme is accepted will the picture be completed then and will you come into the Federation at once?—Yes, certainly.

3089. I want to ask only one more question, and that is with regard to the position of the Anglo-Indian, and Domiciled European community who are resident, or who are employed in the various Indian States. Have you made any decision on this matter as to what would be their position in the Indian States under the Federation? I refer particularly to three States, to which I am sure their representatives on this Committee will bear me out, namely Bangalore, Mysore and Hyderabad, in which the community has rendered great service to the Rulers and are living, at present, in large numbers?—That is a matter for negotiation between the members of the community and the Governments of the States themselves.

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3090. Do you mean by that between the Federal Government and the States?—No, the States concerned.

3091. I want to tell you, Mir Maqbool that one-third of the Anglo-Indian community reside in Indian States either as residents, as for instance, in Bangalore, which has the largest collection of the whole community in the whole of India or as employees of the States, as His Highness the Nizam of Hyderabad's State Railways. I want to know whether their interests will be safeguarded in the future as when they entered as employees or as residents in seceded territories in the States, now to be handed back to the States or will this be altered under the new regime?—They will certainly receive due protection, legitimate protection which is their due, but as to what will happen in future, nobody can definitely say. But you can take it that the Indian States will look after their interests as well as anyone else will be looked after.

3092. I have not the faintest doubt about that, but how would you propose to do it?—How do you want them to be looked after?

3093. I am asking you the question?—I do not understand the question.

3094. I am sorry; I cannot proceed any further, if you cannot. I want to get from you a definite reply as to whether the States would safeguard their present interests?—What are their present interests?

3095. Educational, economic enlistment in the Auxiliary Force, and otherwise?—I am sure, subject to negotiations with the individual States concerned, the Anglo-Indian community, and all others, can expect full protection of their legitimate rights from the States' Governments.

Sir Tej Bahadur Sapru.] My Lord Chairman, I do not propose to put any questions to the Witnesses, but as some of our friends from the Indian States have stated this morning, and also stated the day before yesterday that they would like to have a discussion about these matters, I am only pointing out to them that it is necessary for them to make a statement as to whether they agree with a right of appeal from the Federal Court to the Privy Council here, or not. That is a very important question and that is dealt with in paragraph 153. I believe it was discussed at the Round Table Conference and some difference of opinion

was apparent during the course of the discussion. I should like some statement to be made on behalf of the Indian States.

Chairman.] Sir Tej, do you desire that your remarks should be on the Notes?

Sir Tej Bahadur Sapru.] I have no objection.

Marquess of Salisbury.] We want the answer on the Notes. I understand that Sir Tej has asked the representatives of the States whether they would accept an appeal to the Privy Council. We would very much wish to hear the answer, of course.

Chairman.] I might ask the representatives of the States whether they desire, at this time, to make a statement on this subject.

Sir Akbar Hydari.] I think we will make a complete statement on the whole thing later on. We will try first to get common unanimous opinion on it, but if we find that particular States do not agree with a general statement of their opinion, then that will be stated.

Sir Austen Chamberlain.] My Lord Chairman, Sir Akbar Hydari put in a caveat a little time ago that the evidence of the Witnesses should be taken as the evidence of the Chamber of Princes, not as the evidence of all the States.

Sir Akbar Hydari.] No.

Sir Austen Chamberlain.] Obviously, the Witnesses will not bind Sir Akbar, or his colleagues, at this stage.

Sir Akbar Hydari.] We have never said that whenever we speak we are speaking on behalf of particular States, or whether we are speaking on behalf of all the States so far as this particular discussion is concerned.

Sir Austen Chamberlain.] The discussion which Sir Akbar will introduce at another time will be for himself, or for such States as authorise him to speak in their name.

Sir Akbar Hydari.] Yes, unless the Chamber of Princes in the meantime, come to have the same views as we have.

Sir Austen Chamberlain.] At this moment, we have the Witnesses from the Chamber of Princes before us. May we not have their views, without prejudice to the view which Sir Akbar Hydari will subsequently put before us?

Viscount Burnham.

3096. May I ask, within what limits of authority Mir Maqbool Mahmood and his colleagues are speaking here for the

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Chamber of Princes? We understand that there are certain States separately represented by their Diwans and other gentlemen here, but I presume, with the exception of those States that are here, they are speaking for the whole body of the Indian States in the Chamber of Princes?—Yes, my Lord, we are speaking on behalf of the Chamber of Princes.

Sir Tej Bahadur Sapru.

3097. The Chamber of Princes speaks on whose behalf?—The Chamber of Princes, on this particular question, speaks on behalf of the members of the Chamber of Princes, so far as I am aware, with the exception of a few important States who have expressed their disagreement with certain expressions of view and two or three others; most of the others are represented by the Chamber of Princes.

Mr. Jayaker.

3098. Do I understand you to say that those Princes who are members of the Chamber of Princes, but who are at this meeting represented by their Ministers—do you also claim to speak for them?—With the exception of Hyderabad and Mysore, who have stated that they have different points of view on certain matters, and possibly Baroda. With regard to the other States represented here on the Delegation, I think we speak for them also.

Sir C. P. Ramaswami Aiyar.] They do not purport to pledge any State to the views indicated by the Witnesses. I think I ought to make this clear. The Standing Committee of the Chamber of Princes has, after taking some advice and conferring among themselves, come to certain conclusions, and the Standing Committee of the Chamber of Princes, at certain meetings, have adopted those conclusions. It must be remembered that the deliberations and the decisions of the Chamber of Princes are not, *ipso facto*, binding on any member of the Chamber of Princes, even though those Princes have participated in the discussion and the decision. Every Resolution of the Chamber of Princes has, in order to be binding upon any State, to be accepted by the State in question and Resolutions of the Chamber are mainly recommendatory in character; but to say that it is binding in the sense of legally binding, is not accurate.

Chairman.] Sir Tej Bahadur Sapru, I do not know whether you desire to put to the Witnesses who are now being heard the question which you addressed to Sir Akbar Hydari and other representatives of the States.

Sir Tej Bahadur Sapru.

3099. My position is this: If the Witnesses are ready to give an answer to that question of mine on behalf of the Chamber of Princes, I shall welcome it. If they want to take time, I will not press them with that question, but the question is one of great importance, to my mind, and they have got to make up their minds. It may be that Sir Akbar Hydari will not be represented by them, and may wish to make some statement with regard to this matter. I only want an answer?—(Mir Maqbool Mahmood.) With regard to appeals to the Privy Council, the Chamber of Princes accept the position in the White Paper.

3100. That is to say, you accept paragraph 158?—Yes, we do.

Dr. Sen.

3101. It is said so in our Memorandum?—(Mir Maqbool Mahmood.) My Lord, we have stated here that proposal 158 deals with appeals to the King in Council. It is assumed that this will be subject to a suitable formula being devised which will preserve the sovereignty of the Federated States. This formula was promised to their Highnesses by the Chairman of the Round Table Conference and they expect to get it.

Mr. Morgan Jones.

3102. I should like to get the Witnesses' minds back to the question asked by Lord Rankeillour on the 2nd June, on page 283; with that I would like to take paragraph F of their evidence on the question of direct taxation. The Memorandum says: "Their view is that the matter requires further examination and that no direct tax shall be imposed by the Federal Government within the States"—that is Section F of the Memorandum. Might I inquire what exactly is the meaning of the word "imposed" as there used. Does it mean that the Federal Legislature may not decide upon any taxation in relation to the States, or does it mean that while the Legislature may decide upon it, it can only collect it through the medium of the States?—(Mr. Panikkar.) The position

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that their Highnesses take, and have taken from the beginning, is that the right of legislating on direct tax inside the Indian State itself, should not belong to the Federal Government—not merely the question of collection or of assessment.

3103. They may not even legislate?—With regard to a State.

3104. But may not the Federal Legislature determine that the States, in common with the Provinces, shall make a contribution to a sum which is necessary for certain services?—In certain eventualities, that may have to be considered.

3105. What exactly does the Witness mean by saying that that may have to be considered?—The question of direct contribution from the States, apart from the ordinary sources of Federal revenue, is not a matter that we have accepted unconditionally. We have said that in case there is likely to be a crisis or a financial breakdown, a contribution of some kind may have to be levied, but, as a normal procedure, or as a method of balancing budgets, we have not accepted that position.

3106. I am still in the dark, if you will allow me to say so. Do you not contemplate that the States shall make a contribution in respect of certain services that are common to the States and the Provinces?—Yes, through indirect taxation.

3107. And who is to determine upon the indirect taxation?—The Federal Legislature decides the form and method of indirect taxation.

3108. And will the Federal Government collect within the Territory of the States this indirect taxation?—Where the collection is outside the States, it will be collected by the Federal Government; where it is within the Territory of the States, it will be collected by the State Government and handed over.

3109. Allow me to put this point to you. You will know that, in this country, industries have shifted from the North to the South; it is just possible, in India, that the industries may move from time to time from the Provinces into the States, and vice versa. Now let us assume that an industry moves from the Provincial Territory into a State Territory, they are thereby adding to the wealth of the State—would you grant a right to the Legislature to review that new situation and to alter its taxation?

—Yes; that new situation will have to be considered if a serious change in the economic position takes place in that form.

3110. But I take it that the change you contemplate would still happen to be within the realm of indirect taxation?—Undoubtedly.

3111. Am I stating the position quite correctly: That the Princes preserve to themselves a right to nominate persons to the Central Legislature, but the Princes who, after all, are the richer people in the States, shall be exempted from direct taxation?—Are you suggesting that the Princes, personally, should be exempt or the people in the States should be exempted?

3112. I suggest nothing. I am asking a question. I will put it again, shall I?—Yes.

3113. I understand that you claim that the Princes, as such, shall have, of their own right, the choice as to who shall represent their States in the Legislature. So far, I am right, am I not?—Yes.

Mr. *Morgan Jones*.] They, therefore, have a direct right of choosing who shall be representative of the States in the Central Legislature, and, yet, on the other hand, when it comes to taxation, you repudiate the right of that Legislature in which the Princes are themselves directly represented, to impose upon the Princes themselves as rich men, direct taxation.

Lord *Eustace Percy*.] It is not a question of the individual Princes? You mean the State?

Mr. *Morgan Jones*.] I say a rich person.

Sir *Austen Chamberlain*.] I think the distinction is important. The question as put clearly related to the Princes as such. I do not know whether that was your intention, or not?

Mr. *Morgan Jones*.] Let me take that first, and I will come to the second point afterwards.

Mr. *Panikkar*.] The individual Princes are not subject to taxation to-day, and they are not prepared to subject themselves, individually in their sovereign capacity, to taxation.

3114. Now let me take the second point: The Princes insist that they shall have the right directly to nominate A, B and C to the Legislature, but they deny to that Legislature the right to determine that a certain group of people shall be subjected to direct taxation

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within their States?—Yes; they say that all taxation from their States should come through indirect methods.

Mir *Maqbool Mahmood*.] May I supplement that question: The Princes send their representatives there and they, in consultation with other representatives, agree to indirect taxes, but under the Constitutions of various other countries there are precedents where certain units of Federation are exempt from certain types of taxation. Even in the case of Canada, there are certain types of lumber duties which do not apply to certain Members of the Federation. The States do not contribute taxes in this form because they feel that in indirect taxes they are paying more than their due share for the services they will take, but in certain contingencies they do not negative the possibility of some direct contribution by the States on some basis which may be agreed to between the States on certain conditions.

3115. I quite see that point. Have you contemplated the inevitable confusion that must arise when the Finance Minister of the Legislature feels called upon to collect a given sum for his Budget? He may determine, or his Legislature may determine, that they may want to collect the money in two ways, one by indirect taxation and one by direct. Does not it seem to you that it leads to confusion that, with relation to one portion of the Legislature, that is the State portion, he is forbidden the territory of direct taxation altogether, whereas he may apply direct taxation over the whole of the rest of the territory?—That is the position to-day.

Mr. *Morgan Jones*.] It may be the position to-day.

Sir *Hari Singh Gour*.] There is no Federation to-day.

Mr. *Morgan Jones*.

3116. We are contemplating some change. Do not you think the new situation will lead to certain invidious distinctions and positions of bitterness, perhaps, if one area is entirely reserved from the field of direct taxation, whereas the other may have it applied *ad lib*?—(Mr. *Pannikar*.) I understood that all this question was discussed between representatives of States and British Indians at the Third Round Table Conference. On behalf of States certain questions were raised. They said: "Under certain

Treaties we are not bound to pay for the defence." The British Indians on their side raised certain questions and after all the discussion we understood certain agreements were reached in the Federal Finance Committee, and if under those agreements there is a certain quota of direct taxes which should fairly fall on the States, they would, I understand, in special contingencies, make that good in some other form.

Mr. *Morgan Jones*.] I cannot follow you in that discussion because I was not a party to them.

Mr. *Butler*.] It arose on page 21 of the Third Round Table Conference.

Mr. *Morgan Jones*.

3117. May I refer to question 2310 which Lord Rankeillour put? The point was whether you would not in fact be saving certain expenses by the transfer of these services and your answer, as I understand it, was this, that in practice there was no transfer at all, except to a very limited extent. Is not that so?—(Mr. *K. M. Pannikar*.) In the actual fact of transference.

3118. So that practically you are making no contribution in coming into the Federation?—That is not so. We are transferring the right, because the right does not belong at the present time to the Government. The administration is undoubtedly carried on in many of these matters by the British Government on behalf of the Crown, but that does not imply—

3119. I see the point. It would imply the actual formal legal cession of those rights?—Not merely the legal cession: the transfer by the Crown. We have always denied that our cession of these things has been with the Crown, and that if the Crown devolves it back again we should share in that devolution. It is not a matter which should be devolved entirely on British India. Therefore, in the process of devolution, we must be assumed to have received it back, so it is not merely a legal transfer, but we are creating the Federation by the transfer.

3120. I will concede that point. May I put this further point to you, and it is my last? You are making a concession from your point of view to the Federation, in the sense you have now indicated. Do you consider that in return for what I would regard as a small concession you are entitled to insist upon, not merely certain conditions of acces-

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sion, but also you insist that, so far as you are concerned, you must see the whole picture complete before you even give an answer?—We have given the answer, that we are prepared to go into the Federation, but the conditions on which we are prepared to go in must first be settled.

Lord Hardinge of Penshurst.

3121. I heard this afternoon statements made that the subjects of the Indian States are foreigners and not British Indian subjects, but I have not heard it stated anywhere that they are British protected subjects, which I think they are?—I mentioned it.

Lord Hardinge of Penshurst.] I was not here when it was stated. That is all I have to say.

Sir Austen Chamberlain.

3122. Would the witnesses turn to their Memorandum, paragraph D, sub-paragraph (b), which deals with the Federal Legislature? They there put a difficulty which arises out of a transitional period when enough States might have acceded to bring the Federation into effective action but not enough to give the States the proportion of representation which is eventually allocated to them in the Chamber?—(Mir Maqbool Mahmood.) Yes.

3123. I want to ask the witnesses whether they have any practical proposal to make to us to carry out the suggestion in the last three lines of that paragraph?—We submitted two instances on the last occasion when we appeared. They were these: (1) That supposing 50 votes of the States are exercised by the States joining Federation in the beginning, out of 100 votes in the Upper House, then each State's vote for and against would count as a hundred over fifty. When sixty State's votes are filled by the acceding States they would count as a hundred over sixty; and so on. The same with regard to the Lower House; the same with regard to the Joint Session. That was one method. The other was that temporarily the unfilled seats of the States may be distributed amongst acceding States, having due regard to regional and other considerations, which would be surrendered from time to time as other States came in.

Lord Hutchison of Montrose.

3124. In this Memorandum you say that the White Paper requires certain revisions and elucidations?—Yes.

3125. Does this Memorandum cover all the revisions and elucidations which you think are necessary in the White Paper?—From the exclusive point of view of the States; we have said that. It is stated here: "These suggestions are briefly stated below with reference to specific proposals of the White Paper. They appertain to questions primarily affecting the States." They do not cover the general questions which affect British India and the States.

Viscount Burnham.

3126. Mir Maqbool Mahmood, I understand that the two main bodies of opinion in the Chamber of Princes are called Federationist and Confederationist, and that the Federationists go further in favour of federation than the Confederationists?—That was the original conception. There was some difference of opinion, but the policy now submitted and the views now submitted are the joint views of the Federationists and the Confederationists.

3127. May I ask whether jointly or separately they have considered the question of having a Federation of Indian States before there arises the further question of joining that Federation to British India?—They have, my Lord.

3128. What decision did they come to?—The decision they have come to finally is that that should be open to such States as may so desire as a step towards federation with British India.

3129. That there should be a Federation apart altogether from the Federation with British India?—A Confederation for such States as may so desire, for the purposes of Federation with British India. That is covered in heading A of the Memorandum.

3130. May I, in order to clear up some doubts in my own mind, ask you whether you finally disagree on behalf of the Standing Committee with Section 128 of the White Paper, page 72, in which it states that "the Governor-General will be empowered, and, if the terms of any State's Instrument of Accession so provides, will be required to make agreements with the Ruler of any State for the carrying out in that State, through the agency of State authorities, of any Federal purpose. But it will be a condition of every such agreement that the Governor-General shall be entitled, by inspection or otherwise, to satisfy himself that an adequate standard of

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administration is maintained"?—My Lord, we have suggested amendments that we desire, or elucidations which we desire, in this proposal in paragraph E of the Memorandum. They are: (1) That the inspection contemplated should be confined to the subject and the purpose for which the States concerned might agree to act. That is (1). (2) That the discharge of some Federal functions in agreement with the Governor-General, and subject to the conditions agreed to, should be open to the States individually or collectively, so that if five or 10 States join, and the Governor-General agrees that they can collectively discharge some of the Federal functions under certain conditions, they should be free to do so. With regard to the collective discharge of these functions I believe that was contemplated in the discussions on this question in the Third Round Table Conference.

3131. May I ask whether that is a fundamental disagreement, that is to say, whether, if it be not accepted, the States would not be prepared to enter into a Federation?—I do not think so.

3132. I see that in the deliberations of the Third Round Table Conference, page 51, Clause 8, it is laid down: "We also note that provided a satisfactory yield for taxes on income is permanently assigned to the Federation the State's representatives agree to assume liability for Corporation tax on the expiration of the period of X years subject to understanding," and so on. Do I understand that the States have withdrawn from that, and now object to Corporation tax altogether?—(Mr. K. M. Panikkar.) The position that has been taken up by the States in regard to this is that during the period of X years they will not be called upon to face the question of the Corporation tax or a surcharge on income, and if, at the end of that period the finances of India require a contribution from the States on the basis of some direct taxation, it should be left to them to decide the nature and the method by which that contribution is made.

3133. They reserve to themselves the right then of settling the terms, and after the expiration of those years?—No; we accept the amount, but the method of collecting that, and the particular tax which should be collected, should be left to the States.

Mr. Butler.

3134. Would it not be true to say that that was the view of the Third Round Table Conference as expressed in the concluding words of that subparagraph 8?—That was the view.

3135. So there has been no alteration?—There has been no alteration.

Nawab Sir Liaquat Hayat-Khan.

3136. Could you tell me, Mir Maqbool Mahmood, from your own personal knowledge of the trend of opinion in the Chamber of Princes (I am talking of the Chamber of Princes which you represent) whether any of the Princes there is opposed to a Constitutional advance in India on the lines of the pledges given to India by Britain?—(Mir Maqbool Mahmood.) No, I do not think so.

3137. Subject to the safeguards which you have asked for in your Memorandum, or something equivalent to that which gives you the same security, do you think that the Princes who are members of the Chamber of Princes accept the policy laid down in the White Paper?—Yes.

3138. Then will it be correct for me to say that the Princes accept that policy because of the fact that it is the result of the joint deliberations of the Round Table Conference to which they were a party?—Yes.

3139. In accepting generally a scheme of such far reaching consequences to themselves, do you think any of the Princes could have been swayed by any extraneous influences other than their own conviction or advice that they received from their own Ministers?—I do not think so.

3140. Is it therefore incorrect to state that the opinion of the Princes is mobilised in favour of the White Paper by any subtle or improper means, or by any subtle and improper pressure from any extraneous quarter?—Yes.

3141. In the form the question was put to you by Sir Tej Bahadur Sapru the other day. I can quite understand that you were not in a position to give him a definite answer as to how long it will take the Princes to make up their mind after they have got a completed picture before them, because you had no instructions and nobody else here had. Supposing they had the Constitution Act before them in its final form, and also the draft of the Treaty of Accession, how long do you think it is

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going to take the Princes to come to a decision for or against Federation?—I think it should be possible for the States concerned, in those conditions, to decide whether or not they will join federation within a year, or so, subject to the door being left open for later accession of the States that are left behind.

Nawab Sir *Liaquat Hayat-Khan*.] At this stage, Lord Chairman, may I say, with your permission, that as this question is of very great importance, and British India laid stress on it, and since we have no definite instructions from Their Highnesses, we referred the matter to Their Highnesses, and I am authorised by His Highness the Chancellor to state that when they are in a position to see the final picture, that is, the Constitution Act in its final form, and the form of the Treaty of Accession, they feel that it should not take the Princes more than a year or so to come to a final decision. Subject to the condition, that, for such of the Princes as want to accede to the Federation later on, the door is kept open to them (because the Chamber cannot bind individual Princes), the feeling there is that, when all this material is laid before them, it should not take more than a year or so to come to a decision. That is the best we can tell the Committee at the moment, and it is an authentic statement on behalf of the Chamber of Princes.

Sir *Tej Bahadur Sapru*.] I am much obliged to you.

3142. One more question. You have stated that the Princes would desire the safeguard which you have proposed, or some alternatives to be provided in the Constitution?—Yes.

3143. May I take it, that this is your position, even with regard to the suggestion you have made regarding the putting of supplies in the joint Session, so long as the co-ordinate powers of the two Houses and their control over the Executive is adequately secured?—Yes.

Sir *Manubhai N. Mehta*.

3144. May I ask one or two questions? I wanted to ask Mr. Panikkar about the financial situation. A distinction has been drawn between indirect and direct taxation. I wanted to know from Mr. Panikkar what is the contribution which the Indian States have been paying in the way of indirect taxation in the last so many years?—(Mr. *Panikkar*.) I

believe it has been calculated to be one-seventh of the Customs Revenue of India.

3145. Then another question. I will ask Mr. Panikkar as to the view taken by the Indian States' Committee appointed by His Majesty's Government. Sir Harcourt Butler—what view did he take as regards the right of the States to be protected by the Army?—The view they took was that, even without any payment, the paramount power should give unconditional protection to the Indian States.

3146. Then with regard to this contribution of this one-seventh, are they receiving anything in return, up to now?—Not so far as I know.

3147. Then, Mr. Kak, as regards Kashmir, you have said that Kashmir is not willing to shoulder the burden of Corporation tax?—(Mr. *Kak*.) Yes.

3148. Is your remark confined to Kashmir, or do you consider it to be of general application?—Only to Kashmir. If any of the States are willing to shoulder the liability for Corporation tax, they can do so, but my remark referred to Kashmir only. My remark about the reluctance of the States to shoulder the liability of Corporation tax referred to Kashmir only. If there are any States willing to accept that liability, they have the option to do so, but, so far as we are concerned, we do not accept the Corporation tax, though in cases of emergency, we are quite willing to make a contribution on a prescribed equitable basis. When such an emergency arises, any adjustments that will be necessary to be made in regard to certain expenditure that some States may be undertaking in respect to matters which are of a Federal character will have to be made.

Viscount *Burnham*.

3149. But you say that you do not accept the Corporation Tax?—We do not accept the Corporation Tax, but we do not refuse to pay a contribution on a prescribed basis in cases of emergency.

Sir *Austen Chamberlain*.

3150. When the witness says "We" whom does he mean exactly?—It means Kashmir. I am speaking for the Government of Kashmir.

Sir *M. N. Mehta*.

3151. Mr. Kak, do you know that in Lord Eustace Percy's Committee Report

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three alternative suggestions are being put forward in order to collect such contributions from the States?—Yes; population, taxable capacity and revenue basis. We might accept one of these, or any of the alternatives that may be available, after discussion.

3152. So that you do not object to pay, at the time of any crisis or emergency, some contribution?—We object only to Corporation Tax and direct taxation as such, not to direct contribution.

3153. Now, Mr. Panikkar, with regard to the Chamber Resolution, may I ask whether you attach importance to the carrying out of each individual safeguard, or would you be satisfied with their composite effect, so as to safeguard the ultimate interests of the Princes?

Mr. Panikkar.

3154. Only with regard to their cumulative result and the general effectiveness in securing the protection and safety for the Princes which we have required from the beginning.

Mr. M. R. Jayaker.

3155. You used the expression that in the case of emergency Kashmir State does not refuse to pay a contribution. What do you mean by "crisis"? Do you mean a financial crisis?—(Mr. Kak.) What I mean is this: Kashmir, in common with most other States, in fact all other States, believes that the sources of revenue which are at present at the disposal of the Government—I mean from indirect sources—will be sufficient for the normal needs of the Federation, but if it is subsequently found that a financial crisis does arise—

Dr. B. R. Ambedkar.

3156. The question is, what do you understand by a crisis?—When the Government is insolvent.

Mr. M. R. Jayaker.

3157. My question was, do you mean by the word "crisis" a year of financial

deficit?—No; not every year of financial deficit.

3158. Do you mean a series of financial deficit years?—We believe that the sources that are at the disposal of the Federal Government will be enough to meet its needs.

3159. I am asking you what do you mean by the word "crisis"? Do you mean a financial year, or a series of financial years?—If it is a series of financial years, it means that then there is a crisis and the Federal Government cannot meet its needs.

3160. How many years would you say?—It is very difficult for me to say just now how many years it would be.

Sir Akbar Hydari.

3161. With reference to a question which was asked from the other side, is it or is it not a fact that in the demand which the Indian States are making of the taxation on the Indian States being strictly limited in the first instance to indirect taxation, and only in specific circumstances to a direct contribution, and by some other States they are willing to accept direct taxation only to the extent of Corporation Tax, they are not demanding anything more than what the British Indian Provinces are also demanding, namely, that for the Federation there will be certain items of expenditure for which certain indirect taxes only will be contributed?—Yes.

3162. That the only direct taxation which British Indian Provinces will be making will be a particular tax, the Income Tax, which they want to be gradually entirely made over to them?—Yes.

3163. With regard to which there is a certain difference of opinion as to whether the whole should be made over, or a part which represents the liability which British India has incurred in the past?—That is so.

Chairman.] Thank you very much. We are greatly obliged to you gentlemen for the manner in which you have given your evidence.

(The Witnesses are directed to withdraw.)

Ordered, That this Committee be adjourned to Thursday next,
at half-past Ten o'clock.

DIE JOVIS, 29^o JUNII, 1933

Present.

Lord Archbishop of Canterbury.
 Lord Chancellor.
 Marquess of Salisbury.
 Marquess of Zetland.
 Marquess of Linlithgow.
 Marquess of Reading.
 Earl of Derby.
 Viscount Burnham.
 Lord Ker (Marquess of Lothian).
 Lord Hardinge of Penshurst.
 Lord Irwin.
 Lord Snell.
 Lord Rankeillour.
 Lord Hutchison of Montrose.
 Major Attlee.

Mr. Butler.
 Major Cadogan.
 Sir Austen Chamberlain.
 Mr. Cocks.
 Sir Reginald Craddock.
 Mr. Davidson.
 Mr. Isaac Foot.
 Sir Samuel Hoare.
 Mr. Morgan Jones.
 Sir Joseph Nall.
 Lord Eustace Percy.
 Miss Pickford.
 Sir John Wardlaw-Milne.
 Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.
 Nawab Sir Liaquat Hayat-Khan.
 Sir Akbar Hydari.
 Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
 Sir P. Pattani.
 Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

His Highness The Aga Khan.
 Dr. B. R. Ambedkar.
 Sir Hubert Carr.
 Mr. A. H. Ghuznavi.
 Lt.-Col. Sir H. Gidney.
 Sir Hari Singh Gour.
 Mr. Rangaswami Iyenger.
 Mr. M. R. Jayaker.
 Mr. N. M. Joshi.
 Begum Shah Nawaz.

Sir A. P. Patro.
 Sir Abdur Rahim.
 Sir Tej Bahadur Sapru.
 Sir Phiroze Sethna.
 Dr. Shafa' at Ahmad Khan.
 Sardar Buta Singh.
 Sir N. N. Sircar.
 Sir Purshotamdas Thakurdas.
 Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Sir MICHAEL O'DWYER, G.C.I.E., K.C.S.I., is again called in and further examined as follows:

Witness.] Might I have your Lordship's permission just to clear up one point in the evidence I gave last time?

Chairman.

3164. If you please?—I said last time in answer to a question I think from Lord Salisbury that seven Provinces out of nine were in deficit this year, and the Secretary of State, I think, queried that. I was asked my authority for it and I said I thought it was in the Report of the Third Round Table Conference. I looked up the Report of the Third Round Table Conference, and the point is made clear now. It is on page 58. It is headed "Abstract of the Secretary of State's statement to the Conference on

the 6th December, 1932." It says: "A recent estimate of the position of the Central and Provincial Governments shows that the central budget is likely to balance but it will only balance as a result of new and heavy taxation. In the case of the Provinces, there will be many budgets showing deficiencies at the end of the year, and to-day no one can possibly say when these deficiencies will be wiped out. . . . The Government of India have been able this year to budget for a small surplus only by raising taxation to a very high level, by reducing pay, by drastic retrenchment and by the postponement of expenditure. In the Provinces, where the field of taxation is more limited, the position is

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worse; and although a policy of severe retrenchment has been followed, seven out of the nine Provinces may this year be in deficit." It says "may be," of course. I said I thought they were. I just wanted to make that correction.

Sir Samuel Hoare.

3165. May I add this observation to the statement that Sir Michael O'Dwyer has just made. He and I were dealing with different years. It is that which accounts for the apparent discrepancies in our statements?—Yes.

3166. At that time there were more Provincial Budgets in deficit. I am glad to say now the number is reduced, and I hope next year it will be still further reduced?—May I add to that the most recent information, the statement of the Finance Member in introducing the budget?

Marquess of Salisbury.

3167. What was the date of the statement that you are going to read?—It is the Finance Minister's statement in March of this year introducing this year's Budget. He says: "I want to ask the Honourable Members to consider what are the tasks that are to be put upon the Central Government by the constitutional plans which are now impending. I feel that in this discussion and in all discussions that are going on to-day finance is being considered in an atmosphere of unreality." I do not want to read it all. I will just quote this. He says that the new Constitution means "a vast amount of additional burdens. Let us take a few of the main items. Separation of Burma, which means a loss of about 3 crores to the Central Budget; surrender of half the tax on jute to Bengal—a loss of about 2 crores of rupees to the Central Budget; subventions to the deficit provinces—80 lakhs to Sind, 25 lakhs to Orissa, and money for Assam and Bihar—together say another 2 crores; setting up a Reserve Bank—a loss of direct receipts to the Government from currency of something like 2 crores. Add all these items together. I have not got them in my head, but the total of these and other charges will come to about 11 crores. On the top of that the Central Government are supposed to hand over more than half the income tax." That would be another 7 or 8 crores, at least, and in this statement the cost of the new form of administration in the Provinces and in the Central Government has been omitted. That would bring the thing up

probably to something like between 15 and 20 crores. My contention is that conditions in India to-day, and for a long time to come, are never likely to be such as to enable the Government of India to impose this heavy new taxation.

3168. You make up the total to about 20 crores?—I make the total up to about 20 crores. The Finance Minister admits about 11 crores. There he does not include the remission of half the income tax of the Provinces, which at least comes to 16 crores; half of that would be 7 or 8 crores. Then the cost of registering the new electorates, of general electorates, of increased establishments for the enlarged Councils, would probably be another crore or two, so together I make it up to something like 20 crores on the Finance Member's own statement.

Mr. Rangaswami Iyenger.

3169. Do you think this financial liability will cease to be on the head of the Central Government if no self-Government is introduced into India?—I think so. All of these items arise in connection with this scheme. That is what the Finance Member himself says.

Sir Samuel Hoare.

3170. Is that really so?—I am taking what the Finance Member's view is; I am quoting him as my authority.

3171. You are putting, if I may say so, your own construction upon his speech. I have had the pleasure of seeing him within the last 24 hours. I would put a somewhat different complexion on his speech?—These are his words: "Then we have the Constitutional changes impending which mean a vast amount of additional burdens. Let us take a few of them."

3172. But if you take now the deficit in the Provinces, is not that a deficit which exists whether you have constitutional changes or whether you do not?—No. I think if Sind remained with Bombay you would not have those 80 lakhs additional to pay for Sind.

3173. Would not there be a corresponding deficit in the revenues of Bombay?—I do not think so. I think all this arises out of the very elaborate machinery for the new Government which you are setting up.

3174. How much would you say the separate Government in Sind would cost?—I do not think the question would have arisen at all if Sind was not constituted a separate Province, but Bombay and Sind would have gone on together as they

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have in the past, and would have been able, we hope, to balance their Budget.

3175. Are you aware that there is a very substantial deficit in the revenues of Bombay, and that most of the deficit is due to the cost of the administration in Sind?—I know there is a very big deficit this year in Bombay. I do not know what it is due to. I am taking the *ipsissima verba* of the Finance Member.

3176. Would not it be true to say that whether Sind remains part of Bombay, or whether it becomes a separate province, the deficit will still exist?—Yes, but the Local Government of Bombay would have to meet that deficit. It has done in the past.

3177. Nevertheless it is a deficit which has to be met from somewhere?—The deficit to my mind, according to the Finance Member is caused by these new proposals, these Constitutional changes.

3178. I must not get into an argument with Sir Michael on that, but I cannot accept that statement.

Lord Eustace Percy.

3179. May I ask the witness one question on that as to Sind. Has he got any ground for questioning the statement in the Report of the Federal Finance Committee that the separation of Sind from Bombay will result in a net saving to Bombay of between 90 and 100 lakhs?—No, I have not examined that question.

Mr. Zafrulla Khan.

3180. Sir Michael, there are one or two matters on which I would, with the permission of the Chairman, put further questions to you this morning. With reference to your contention that the proposed scheme of reforms in the White Paper does not satisfy the test of keeping in mind the welfare and advancement of the masses in India, I want to clear up the position taken up by you with reference to the masses. You have, in the course of your replies to questions put to you on previous occasions, once or twice stated that if it were explained to the masses that the scheme, or, rather, the limitations of the scheme, which you advocate are being advanced in their interest, Government would get their support in working that scheme. Am I correct in assuming that that is your attitude towards the masses, that they would respond constructively to your scheme if it were explained to them that it was in their interests?—I think so. Of course, you will have opposition

to any scheme. The scheme in the White Paper has been repudiated by the Congress and has been attacked violently by the so-called Liberals and Moderates, so you will have agitation against any scheme; but I think the masses of the people in India are such that if the facts are put clearly before them and the reasons for the limitations in the scheme which I suggest, they will understand it and accept it.

3181. So you think that the masses in India are capable of appreciating the difference between the two schemes if it is put to them?—No I think that the masses of India are only capable of appreciating very big points like light taxation, maintenance of law and order, internal security, and impartial justice. They will judge any scheme, not by its constitutional aspect, but how it is brought home to them in this particular way.

3182. Assuming that amount of intelligence in the masses, what would be your own attitude towards a very liberal extension of the franchise in order to bring in the masses to work the new Constitution themselves through their chosen representatives?—I think a very liberal extension has been proposed. You have to remember that under the scheme proposed, which increases the electorate from 7 millions to 35 millions in the Provinces, probably at least 80 per cent. of the electors will be illiterate, and there are always risks, when you have an illiterate electorate, as I pointed out the other day by that quotation from John Stuart Mill, that they will be misled by demagogues; that they will be misled by communal and racial agitators; and for a long time to come I do not think a very wide extension of the franchise among the masses will make them sufficiently politically-minded to enable them to judge of the effects of Constitutional changes.

3183. I put this to you: I suggest that there should be (it is merely a suggestion for your consideration; instead of being put in the form of a question, I am putting it in the form of a suggestion) a much further extension of the franchise, and then the means that you suggest for explaining the restricted advance should be employed to explain the questions that might arise with regard to administration to the masses, to enable them to return a true representative of the masses to the Councils in order to work the new Constitution. My point is this: If it is possible that the restrictions and limitations of your scheme can be

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adequately explained to the masses, the machinery that you would employ for that purpose could very well be employed for the purpose of explaining to them the questions of administration to enable them to exercise their vote intelligently?—I would not go further than, if as far as, the extension of the franchise hitherto proposed. That extension is so enormous that it will take the machinery of Government or any machinery that may be employed all its time to endeavour to explain and enlighten the electorate as thus enlarged.

3184. I shall not pursue that further. If you will kindly turn now to certain passages in your evidence printed at page 85 of the Minutes of Evidence, Volume III, I would wish clearly to understand the subject that you are dealing with at that time. I am referring to the question beginning at No. 532, and I will tell you frankly what my difficulty is. I do not propose to read out to you all the questions that Lord Rankeillour put to you, and your answers on the question of Courts, but I have frankly not been able to follow either the questions or the answers, and perhaps you will help me. Certain questions were put to you with regard to certain items in the Federal and Provincial List—No. 30 in the Provincial List and No. 63 in the Federal List; and the suggestion was made that the result of those items being placed in those lists would be that in some mysterious way a revolution might be carried out in the system of the Courts and the judiciary in India. Judges might be elected instead of being appointed, and so on. What guarantee is there in the present lists as they exist that that could not be done?—In the case of the judiciary in the Provinces?

3185. Yes?—The control of the Government of India.

3186. In what sense? Would you point to the actual statutory provision or rule which controls it?—It is carrying me on to rather difficult ground, but I suppose there is a general provision that no law abrogating the present judicial system in the way you suggest could be introduced without the previous sanction of the Governor-General in Council.

3187. There is no such law?—I will leave that to experts, but in practice it is impossible under the present system of Parliamentary control.

3188. That was my difficulty. Without being an expert, you gave expert opinion on this subject. My suggestion to you is that there are at present these subjects

divided into Central and Provincial Lists, and there is the usual check of control and the veto in only certain matters of previous sanction?—Yes.

3189. And the mere fact that a certain subject is in the Provincial List or is proposed to be put in the Provincial List does not make a revolution possible in that subject, any more than it makes it possible in any other Act?—I would prefer, not having an acute legal intellect, to leave that discussion to someone who is more conversant with these legal opinions.

3190. I wish you had not given an opinion on those matters. May I draw your attention particularly to Question No. 540 on page 85? You were asked whether a certain provision would not restrain the power of the High Court with regard to mandamus and you said, "I believe so." What did you understand from the question and what did your reply mean?—I believe the question was put to me by a legal expert who understood the bearing of the particular provision, and I saw no reason to differ from his view, that it would be possible to restrain the powers of the High Court with regard to mandamus.

3191. What are the powers of a High Court with regard to mandamus which would be restricted under these provisions?—I cannot answer that straight off.

3192. May I say this, that you really did not appreciate what the question was and therefore it is a mere view which you were expressing and not from any knowledge which you have of the subject?—Quite so. It was my view, yes—a commonsense view, I hope, if not a legal view.

Mr. Zafulla Khan.] The trouble is that the subject was legal.

Dr. Shafa' at Ahmad Khan.

3193. I will deal only with one point in your Memorandum. Am I right in concluding that, in your opinion, the masses of India are, at the present time, unorganised and unrepresented?—It depends upon what you mean by the masses. There is a certain organisation among the masses, among the Sikhs, for instance, because they have some claim to be a nation; and also among the Marathas, but opinion among the masses, as a whole, is at present unorganised except to such extent as they have votes, the 3 per cent. that have votes at present, and are kept in touch with certain political questions.

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3194. They are unorganised?—They are unorganised politically.

3195. And unrepresented?—Except to the extent of their votes.

3196. Only those who have votes are represented?—Yes.

3197. In that case, the present Provincial Legislatures are not properly representative bodies, as far as the masses are concerned?—They are not fully representative of the people.

3198. What is your constructive suggestion for making these Legislatures fully representative of the masses?—A gradual extension of the franchise, as political knowledge and education extend.

3199. Then, in your opinion, the Act of 1919 did not take into account the peculiar needs and requirements of the masses and did not provide adequate safeguards for their due representation in the Legislature?—Yes, the Act of 1919 was not a Bad Act. For instance, it transferred education to the control of Indian Ministers, and one result of that and of the increased funds which were available, was that there has been a considerable development, in some Provinces at least, of primary education, which helps the political enlightenment of the masses, but it has not gone very far with only 8 per cent. of the population literate at present.

3200. You think the Act of 1919 ought to have gone much further for the due representation of the masses?—No; I do not think it could have done any more in that direction at the time. It established Councils; it gave votes to a certain portion of the people, 3 per cent. of the people. Of that 3 per cent., a very large proportion were, and are, illiterate.

3201. I am putting this question—you need not reply to it. My question is this: If you had been given the alternative in 1919, would you have chosen exactly the model of the Act of 1919?—At the time I gave evidence before the Joint Committee in 1919 I put forward another scheme.

3202. And are you still of the same opinion?—No. You have got to accept facts as they are now. I accept the Act of 1919 as the basis of any future advance; I always have, once it passed into law. I fought against it at the time, but once it is passed into law, it is *à fait accompli*, it is the will of Parliament, and that must be given effect to.

3203. But if you had been given complete choice regarding the particular measure framing the measure for con-

stitutional advance in India in 1919, you would, I suppose, have preferred some form of paternal and patriarchal government?—It is very hard to tell now what I would have done fourteen years ago.

3204. In your opinion, the present members of the Provincial and Central Legislatures do not really represent the masses?—Partially, because the section of the masses that have the vote is, often, of the same way of thinking as those who have not got the vote. To that extent, the small proportion that have votes do represent a larger number than the actual voters.

3205. I take it you think only those belong to the construction of masses is who have not got the vote at all?—Yes.

3206. And those who have got the vote are not members of the masses at all?—They are masses, but so far as they belong to what you call the common people, the man behind the plough and the man in the street, even if they have the vote, they are not necessarily politically minded. There is more likelihood of their taking an interest in politics, if they have the vote.

3207. You just referred to the class which you designate as politically minded. At what point does a person who belongs to the rural classes cease to become a member of the masses and become a politician?—He does not necessarily become a politician at all, but when he is able to take an intelligent interest in political questions he becomes politically minded.

3208. Then he is cut off completely from the masses?—No, not necessarily. A great many of the masses would like to take an interest in political questions, but, at the present time, owing to the lack of education and communications, they are not able to do so.

3209. My point is this: What is the basis of your differentiation between a member of the political class and that of the masses? What is your criterion? How do you distinguish between these two classes?—It is a thing that is much more easy to understand than to explain.

3210. I will give you one concrete example: A member of the rural class wants to stand for the Council. He has been in that village for generations; he goes to the important villagers and he canvasses them and looks after the requirements of the various villagers; he is elected. Does he cease to be a member of the rural classes when he becomes a member of the Council?—No, not a bit.

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3211. Then what is your distinguishing criterion between these two classes?—It is not a thing that one can exactly define. As I say, once a man takes to politics as a career, he becomes a politician. The great mass of the people have very little interest in politics; they stand outside them, and, therefore, they are not politically minded, and they remain masses. I think the average man would understand it. I cannot give any clearer definition.

3212. The point is this: There are about 75 per cent. of the members in all the Provincial Legislatures who belong to the rural classes and who have devoted considerable time and attention to the development of the resources of the countryside. They go and attend the meetings of the Council; then, after attending the Council, they go back to their villages and live there. They are a part of the masses?—Yes, but I doubt the figure of 75 per cent.

3213. How can you say that at one point they are politicians and at another point they do not belong to the masses?—They do belong to the masses if they live among and keep in touch with them.

Sir Abdur Rahim.

3214. Sir Michael, would you kindly turn to your evidence at page 77, Question 423, by the Lord Chairman. You say there: "One has to advance in the direction of provincial autonomy"?—Yes.

3215. I want to know from you, why is one obliged to advance in any direction at all?—Well, it was laid down in the Statute of 1919 that the first steps in Constitutional advance were to be taken in the Provinces.

3216. What I mean to say is this: Is there any necessity for advancing in any direction particularly?—No. Under the Statute, of course, Parliament can stand fast or extend or restrict, but, owing to expectations which have been aroused, and owing to the fact that certain Constitutional advance has been made, one must take the risks of making a further advance, human nature being as it is.

3217. You do not think then that any advance is necessary in the interests of any section of the Indian people?—I do not deny that advance is necessary. I am quite prepared to accept an advance, and even to recommend it, provided you minimise the risks.

3218. Then you really think—I want your opinion—that there is risk attendant

upon any advance at all?—Yes, there is always. Risks, I think, are involved in every big Constitutional change, especially in India.

3219. Then why do you advise the Committee to take such a risk?—I have already said that expectations have been aroused, claims have been put forward; and, after all, the world must progress.

3220. You think it will be in the interests of progress in India?—In some directions I quite agree that if you get people to take an intelligent interest in their own affairs, and manage their own affairs, that is very desirable. I have always been in favour of that.

3221. You say you base this proposition of yours on expectations that have been roused in the people?—To some extent.

3222. Supposing the expectations go much further, you would not satisfy those expectations to that extent?—I would not satisfy those expectations if I thought that their satisfaction would endanger the essentials of good government.

3223. I gather from the evidence that you gave, that, in your opinion, there seems to be a conflict of interests between the educated minority and the masses of people in India: Is that so?—In some cases, yes. I will take a few actual instances. We know that the protection of the agricultural population, especially the small peasants, against being eaten up by the moneylenders, by usury, is a thing which the Government has taken in hand in certain Provinces, notably in the Punjab and, to a certain extent, in the Deccan and other places. I know, from my own experience, that that measure, which was intended to shield the agriculturist, the peasant, from being swallowed by the moneylenders, from being expropriated, was opposed at the time almost universally by all the urban intelligentsia, and they make no secret of the fact, in the Punjab to-day, that if this class got power, one of their first efforts would be to try to repeal that Act.

3224. Do you know that large sections of the educated classes have been clamouring for proper legislation in order to restrict the operations of these moneylenders?—I am very glad to hear it. I know that a measure to that effect was brought in a few years ago in the Punjab Legislature by the rural representations, and it was very strongly opposed by the urban intelligentsia, especially the Hindus.

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3225. Do you know that in Bengal, for instance, proposals have been made by sections of the educated community to restrict, or to put a check upon, the operations of these moneylenders?—I do not know, but is it by all classes of the educated community, Hindus, and Muhammadans, because Muhammadans are the chief sufferers under this system of usury?

3226. Do you not recognise that there are bound to be differences of opinion in any country and in any community?—No. I am speaking with reference to the Punjab. The evil had gone too far; it was producing such disastrous results in the way of murders, dacoities, and of the burning of the books of the moneylenders, that the Government had to interfere for the protection of the agriculturists, and that measure of protection was opposed tooth and nail by the Hindu intelligentsia of the Punjab. That is a fact on record. It was opposed in the Council; it was carried through in Lord Curzon's time, but, a couple of years ago, when further measures were introduced in the Punjab Council to restrict usury, those were similarly opposed by the same class.

3227. You say security and order is necessary for the protection of the masses. Do you not think security and order in India is equally necessary for the educated classes?—Undoubtedly, but then the masses are more helpless and less vocal.

3228. In what way? Do you not think that the educated classes require peace and order and the protection of the police?—I quite agree with you, but they are in a better position to defend their own interests than the scattered masses.

3229. Do you not realise as a fact that it is really from the poorer classes that criminals generally spring up?—That is so.

3230. And it is really the richer classes, or the educated classes, that are generally the victims?—That is so, in every country, I think.

3231. Therefore, would it not be more in their interests to see that there is peace and security in the land?—Undoubtedly.

Sir *Hari Singh Gour*.

3232. I understand, Sir Michael, the main pivot of your argument is that your scheme would be acceptable to the general masses of India?—I think so, yes . . .

3233. What evidence have you that your scheme would be acceptable to the masses of India?—My general knowledge

of the people of India acquired during a period of 33 years and the opinion I continue to receive from my friends in India of all classes, especially in the Punjab, of the trend of public opinion there.

3234. You say you base your opinion on your knowledge of India?—Yes.

3235. When did you leave India for the last time?—1920.

3236. That is to say, your information dates up to 1920?—My personal information.

3237. And the later information is from information received?—Yes.

3238. The information that you have received you say is confined to the Punjab?—No, I hear from all Provinces.

3239. From all Provinces?—I will not say "all", but from a great many.

3240. Look at page 108, Question 823, of the Minutes of Evidence, Volume 4. You say: "That, I think, is essential to give stability and confidence. I think that would be acceptable to the Princes, to have the British Government properly represented, and I think it would be acceptable to the great mass of opinion in India."?—Yes.

3241. As regards saying it would be acceptable to the Princes do you know that the Chamber of Princes in India, the organised body representing the bulk of the Princes of India have expressed a very different opinion from this?—No. I was very largely guided by what the Jam Sahib said, the Chancellor of the Chamber in presenting the Report of the Chamber of Princes to the Viceroy.

3242. That is to say, you were guided by the opinion of the late Jam Sahib?—Largely, and also by the opinions of other Princes whom I happened to know personally.

3243. Are they Members of the Chamber of Princes?—Yes.

3244. Can you name them?—I do not wish to name them.

3245. The Princes are anonymous as far as we are concerned?—The Jam Sahib is not anonymous.

3246. He is dead?—He represented a large body of opinion in Kathiawar besides his own. The Kathiawar princes I understand shared the Jam Sahib's views and when he left Delhi they went with him.

3247. Does any member of the Chamber of Princes whom you can name share your views?—I think the present Chancellor shares my views, and I think the present Vice-Chancellor shares my views. I am not going on what they said to me, but on the views they have expressed.

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3248. The present Chancellor?—Yes, and the present Vice-Chancellor. I think they both would welcome a strong British element in the proposed Federal Government.

3249. Can you point to any published statement of either of them to this effect?—No, but I think I know their views sufficiently to say that.

3250. Are you aware that they have published statements suggesting the contrary?—No, I am not aware of it, and I do not think any statement to the contrary has been published.

3251. Now you have said that your views would be acceptable by the reasonable men of India. Have you considered the question that if your views prevail, you will have the bulk of the intelligentsia of India against your scheme?—One might say that the bulk of the intelligentsia of India, in so far as they have expressed themselves in India, are against the White Paper scheme.

3252. They are not against the White Paper scheme; they want an improvement of the White Paper scheme?—The Congress have repudiated it. I have here the statements of the various political bodies in India; the Liberal Federation of Bombay, of Madras, and of all India, and they attacked the scheme in the most violent way, and they show that they would not be prepared to accept the scheme unless the safeguards which are proposed, and which are the basis of the scheme, are whittled down to practically nothing. One safeguard after another: Finance; defence; fiscal discrimination—every one of the safeguards has been attacked in the Resolutions of the so-called Moderates of India, which I have here before me, and which, if your Lordship desires, I am willing to put in. Therefore, I say the present White Paper scheme is not accepted by any great body of political opinion of India. They may want it to go further, but that is the position.

3253. My Lord, that is not an answer to my question. The question that I put was this: Are you aware that a large body of intelligentsia in the country would be openly hostile to your scheme, if it was translated into an Act of Parliament? That was the question I put?—No. I daresay the Congress would be openly hostile to the scheme, because they have made no secret of the fact of their desire to oust British rule in India and to secure complete independence. To that extent, I accept the fact

that a large body of opinion in India would be hostile to my scheme, or to any scheme.

3254. Apart from the Congress, you also recognise that the Liberal Federation is against this scheme, and want an improvement of the scheme by reducing some of the safeguards?—What they consider an improvement I consider would be disastrous.

3255. That is not the point. The point I am asking you, Sir Michael, to answer is this, that organised public opinion in India, whether represented by the Congress or the Liberal Federation or the Nationalist Party or by the Justice Party, or by any recognised body of public opinion, would be all equally hostile to your scheme, because it is considered that it would be reactionary and not in advance of the White Paper?—No doubt.

3256. Have you visualised to yourself that while you say your scheme would be accepted by the non-vocal section of the people, the vocal section and the intelligentsia and the Press would be all equally hostile to that scheme?—No, I do not accept that. I consider there is a large body of intelligentsia in India which regards the White Paper scheme with apprehension, and would be relieved by finding that certain objectionable features in it had disappeared. The proposed transfer of Law and Order, in particular, is causing the gravest apprehension in many parts of India, to my knowledge.

3257. Are you aware, that if your scheme prevails, the present Constitution would have to be scrapped and the Government of India Act would have to be scrapped altogether?—No, I am not aware of that. I suggest that you should move on as far as giving autonomy to the Provinces, reserving Law and Order, and maintain the responsibility of the Central Government to the British Parliament as at present, with certain modifications.

3258. But I understood you to say on the last occasion that you are in favour of a partnership between England and India?—Yes.

3259. Are you not of the same opinion to-day?—Yes, I think that partnership exists to-day.

3260. Now, in that partnership you want that the terms should be settled by you and your friends here?—The British Parliament. The British Parliament, obviously, must settle the terms—no other authority.

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[Continued.]

3261. But who are to be the constituent members of that partnership?—As at present defined, it is the British Crown, British India, and the Princes of India, who are the three parties.

3262. But are they not all to agree to the terms of the settlement before the partnership is constituted?—The lines on which a partnership can be constituted must be approved by the British Parliament. That is assumed throughout.

3263. Is that your conception of a partnership?—Yes.

Sir *Phiroze Sethna*.

3264. Sir Michael, in your Memorandum, paragraph 3, there appears this sentence—you will find it on page 77 of the evidence: "Notable instances of gross mal-administration could be quoted from nearly every Province, the great cities of Calcutta, Bombay, Ahmedabad, Poona, Lahore, etc. as being among them." I am sure you have fortified yourself with facts and figures before making such a deliberate statement, and, as I have been connected with the Bombay municipality for the last 26 years and can perhaps speak with some authority on the subject, I would like you to quote those so-called notable instances of gross mal-administration by the Bombay municipality?—What I had in view as regards Bombay was this, that a Resolution has been passed by the municipality that no British goods should be purchased on behalf of the municipality if it was possible to purchase those same goods from any other country except Great Britain.

3265. Do you regard that as a notable case of mal-administration?—Probably it ought to be defined as a notable case of anti-British feeling.

3266. Are you aware in regard to that Resolution, under what circumstances it was passed?—I understood it was during the boycott.

3267. That Resolution was the outcome of the feeling of great indignation throughout the whole of India over the attitude towards our Nationals in East-Africa. There were meetings in almost every town in India; there was also a public meeting in the City of Bombay and it was followed up by the municipality passing this Resolution. The Resolution was not passed unanimously. As many as 30 or more members opposed it, but, although the Resolution stands in the books of the municipality, it is absolutely a dead letter. In the terms of this

Resolution, this is inserted in the tender forms, but, in spite of that, it has not prevented British manufacturers from tendering, nor has it prevented the municipality, since the Resolution was passed, from placing orders with British manufacturers to the extent of hundreds of thousands of pounds. Would you still call it mal-administration or anything else?—I think it is not to the credit of the municipality that it should have such a Resolution in its records. I was in India at the time, and we know that the Government of India, under Lord Hardinge, and under his predecessor and successors, was fighting for all it was worth on behalf of our British Indian fellow subjects in East Africa. I consider, in view of the circumstances, to keep a Resolution of that kind on record was mal-administration.

3268. You regard that as mal-administration?—Yes.

3269. In spite of the fact that it is a dead letter, as I have explained to you?—Yes.

3270. I will now ask you to look at your answer, which appears on page 87 in reply to Question 557. You say there: "there were tremendous complaints made by the consumers up-country that the millowners of Bombay and Ahmedabad, being free from all competition, had raised their prices enormously, and the complaints were most widespread; the people were going about in rags to such an extent that the Provincial Governments, in order to bring down the price of cotton goods, had to interfere and take over the control of the mills so as to sell cotton at more reasonable prices, and thus bring down prices". You refer to Bombay and Ahmedabad? Which Government exercised the control over the mills?—It is 14 years ago now. I remember I was in the Punjab at the time; there was a discussion with the Government of India, and I remember that, as a result of those discussions, I think it was the Government of India that arranged to take over the control of certain mills so as to produce cotton goods cheap and sell them at cheap rates to the peasantry, in hope of bringing down prices. That is my recollection of it.

3271. You are relying upon your memory of 14 years back?—I know at the time the Bombay and Ahmedabad mills were making enormous profits of something like 100 per cent., and this was made a grievance by the up-country consumers against the conduct of the

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Bombay millowners at raising prices when outside competition was impossible.

3272. But you say there was control exercised by Government?—That is my recollection.

3273. I would like to tell you, it is absolutely wrong. There was no control by any Government, as far as I know. It is true the prices were high, but, if the prices of cotton goods were high, they were no higher than those of other commodities of that time, and the millowners did not exploit consumers, as your statement makes out, any more than importers of foreign goods did. May I ask you now whether you are aware that the network of co-operative district and urban banks—with a large capital, say, in Madras—has been created by non-official gentlemen for the benefit of the agriculturists. Do you admit that?—I do not know anything about the Madras conditions; I only know the Punjab, and there the co-operative movement was initiated by a few British officers, and its success has been due to their skilful guidance. They received the greatest assistance from the many Indian officials whom they had trained, but the initiative was theirs.

3274. Are you aware of what the Linlithgow Commission said as regards the working of such Acts as the Deccan Agriculturists Relief Act?—No. I do not remember that.

Sir Tej Bahadur Sapru.

3275. Sir Michael, you made a very important statement to-day, and I wish to draw your attention to that statement. You said that the Act of Parliament of 1919 contemplates—I will give you the words which I noted—that the first step should be taken in the Provinces. May I hand over to you the Act of Parliament, and ask you to point out to me which portion of that Preamble of the Government of India Act supports your contention. That is the Preamble of the Government of India Act. (*Handing same to the Witness*)?—I was relying upon this: "Whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities." From that, I gather the fact that the Provinces were to be the first ground of the experiment in the extension of self-government.

3276. In other words, you have expressed that opinion by interpreting in

your own way, according to your lights, the Preamble of the Government of India Act?—Yes, I can only interpret the Preamble of the Government of India Act in that way.

3277. Am I right, or am I not right, in saying that the Preamble of the Government of India Act laid down the policy of Parliament in a very comprehensive manner, covering the entire field of government in India?—Undoubtedly.

3278. And all that it provided was that the progress must be by successive stages?—Yes.

3279. But am I right, or am I wrong, in saying that it does not say, in so many words, that the progress shall of necessity be in the Provinces alone, and at first?—No, quite so, I accept that.

3280. And it would be, therefore, for Parliament to decide what exactly is the meaning of the words "successive stages"?—Yes, but I take it in this way, that Parliament has decided, according to the Preamble, that substantial steps should be taken in the Provinces in the direction of self-government, and that, therefore, in future, Parliament, when it came to review the situation, would be guided by the success achieved in the Provinces in exercising the degree of self-government conferred upon them.

3281. That is your view of it?—Yes.

3282. Now you said just now that you accept the policy of Parliament as embodied in that Preamble?—Yes.

3283. And in accordance with that policy, you would like to make an advance in the Provinces in the way mentioned by you?—Yes.

3284. Are you satisfied that any political party in India will be prepared to work any Constitution such as that suggested by you?—I believe so.

3285. I do not follow you?—I believe so. I believe that if it is made known, as I have said before, that this is as far as the Government thinks, at present, it is wise to go, as being responsible for the welfare and advancement of the Indian peoples, in view of the great advance made in the Provinces, they will settle down and work the system of self-government that is being extended in the Provinces.

3286. I understood you to say just now that, according to your reading of the Indian situation, the Congress has repudiated the White Paper and condemned the White Paper, and that the Liberals have repudiated it?—Yes.

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[Continued.]

3287. Could you kindly tell the Committee what your reading is of the Muhammadan attitude in this matter?—The Muhammadan attitude is primarily to obtain safeguards for themselves as a minority in the All-India Government. Apart from that, the Muhammadans, naturally, desire, in the Provinces where they have a majority, to get the benefit of that majority, and where they have a minority, they want to get weightage so as to safeguard them in the working of the future Constitution. That is my view.

3288. Then, supposing the scheme suggested by you were accepted, who do you think would be the people prepared to work that Constitution in India?—I think you will find, as I said before, politicians in every country always ask for a great deal more than they are prepared to accept. If they realise they are being given a very substantial advance in self-government, although not to the extent they are demanding, then the logic of events will come in, and they will say: "We had better sit down and make a success of this in the hope that the further things we are now asking for will be granted to us in time." That is human nature.

3289. Do you think that the transfer of Irrigation in some Provinces, Forests in others, Excise and some other Department, minus Law and Order, would appear, in point of fact, as a substantial advance to politicians?—I think so, certainly.

3290. If I were to tell you that you will not find any politicians in India, belonging either to the Congress or to the Liberalist school, to agree to any Constitution like that, would you still advise Parliament to go on with that Constitution?—Certainly. Parliament is the final judge. It must do the best it can for the people of India, and I think the pity of the whole thing is that, so far, the interests of the people have been subordinated to political aspirations.

3291. Is it or is it not a fact that the excise, forests?—And Land Revenue.

3292. The Departments which you want to transfer are precisely the Departments which affect the masses very much?—They all do, yes.

3293. Have you any evidence that the masses have demanded the transfer of these Departments?—No.

3294. You have no evidence?—No.

3295. Are you quite sure that these Departments will be worked, according

to your view of the ability of the political parties, to the satisfaction and in the interests of the masses?—They will work in different ways. Some will work them well; some less well; and others will probably work them badly. But that is an inevitable risk of political advance.

3296. In the interests of the masses, do you not think it would be best that none of these Departments should be transferred? I am speaking now only of the interests of the masses and not from the point of view of the politicians. In the interests of the masses do you think it would be desirable for Parliament to say: "No, we shall not transfer any one of these Departments"?—No, because Parliament is committed to the policy of advancing self-government in India and therefore, in pursuance of that policy, it must take the risk.

3297. Although it might be at the expense of the masses?—Yes, as long as it has power to retrieve the situation if it is found to be disastrous to the interests of the masses; then I suppose Parliament can recall the powers it has granted.

3298. Do you regard the Centre as it is constituted at present in India, on the Executive side or the Legislative side, as a strong centre?—I have not been in India for twelve years. I would say it is strong to the extent that it has Parliament behind it and is responsible to the British Parliament, and it is also strong to this extent that in the Executive half the Members are Indians representative of Indian opinion, although not necessarily of a certain type of Indian political opinion. It is also strong in that it has control of the machinery of the services, and therefore, if things go wrong, the Government of India is in a position, or should be in a position, to put them right.

3299. In other words, I take your position to be that, while you would transfer these two Departments, you would reserve to the Government of India at the same time certain powers to override the Governments of the Provinces if things go wrong? Is not that your position?—Yes. The Government of India must interfere if things go seriously wrong; hence, the special responsibilities indicated in the White Paper.

3300. That would not be Provincial autonomy at all?—I am referring to the special responsibility of the Governor and of the Governor-General of India under

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[Continued.]

the White Paper. The White Paper proposes to grant Provincial autonomy to the Provinces, but reserves to the Governor-General and to the Governor power to interfere in the case of special responsibilities. That is what I am referring to.

3301. According to your point of view, I think it follows that the Governor-General must have special responsibility reserved to him in the matter of irrigation, forests, and land revenue also, not merely in regard to Law and Order? Yes.

3302. He must have those special responsibilities given to him?—But he has a general control. He is responsible under Parliament for the general superintendence, direction, and control of the Government of India, but that control is being less and less exercised as Provincial autonomy develops. In theory he may have those powers; in practice he would very rarely use them.

3303. Would you leave the Lower Chamber with an elected majority or would you rather reduce the numbers of the elected majority? Have you thought that out?—As compared with the present system?

3304. Yes?—At present what is the constitution of the Lower Chamber—26 out of 140.

3305. There is an overwhelmingly large elected non-official majority in the Lower House?—Yes.

3306. Would you leave that untouched?—I have not given the matter deep consideration. I consider that the British element should be a substantial element both in the Lower House and in the Upper House. In the Lower House at present it is 35 out of 140.

Sir *Hari Singh Gour*.

3307. Forty?—Forty, is it? In the Upper House it is 24 out of 60.

Sir *Tej Bahadur Sapru*.

3308. If the British element has to be strengthened in the Lower House as well as in the Upper House it follows, to my mind, that the Indian elected element must be reduced?—I have not gone into the question. That is more a question for this Committee and for Constitution-makers. All I insist on is that there should be a substantial British element. At present there are 35 out of 140. I think that is fairly substantial, but I would not like to say that is the final word on the subject.

3309. May I read to you a letter which appears in "The Spectator" of June 23rd, signed by certain gentlemen who belonged to the Civil Service and who occupied very eminent positions. The letter is signed by: "Laurie Hammond (Governor of Assam, 1927—31), Ernest Hotson (Acting Governor of Bombay, 1931), Frank Hudson (Commission in Sind, 1926-29), John Kerr (Governor of Assam, 1922-7, Acting Governor of Bengal, 1925), Henry Lawrence (Acting Governor of Bombay, 1926), Arthur Nelson (Acting Governor, Central Provinces, 1932), William Reid (Acting Governor of Assam, 1925), R. A. Wilson (Acting Chief Secretary to Government, Central Provinces, 1925)"?—I have seen the letter.

3310. It says: "It is untrue to say that the masses are not interested in political issues. The motor bus and the cinema have altered their outlook tremendously. The influence exercised by the educated classes over the rural population and the labouring classes in the towns is infinitely greater than it was 12 years ago. Those who have not been in India during the past few years would hardly credit the extent and rapidity of this change"?—Yes.

3311. Are you prepared to agree with this opinion or do you differ from that opinion?—I have not been in India recently and I would not like to give a definite opinion. I admit there has been a considerable increase in the direction that those gentlemen indicate, but I would hesitate to say it was infinitely greater. May I point out with reference to these gentlemen that they are all men with distinguished records in India. One always has to remember this, that the point of view has altered. In the old days, in the case of those who, like myself, served in India before the War and during the War, our point of view was primarily administration for the benefit of the people. Then politics were introduced, necessarily perhaps, and since then the views of senior British officers have been largely deflected and they are apt to consider politics with which they are surrounded as of more importance than administration.

3312. May I again read to you another letter, and I wish to know whether you endorse these views or differ from these views. The signatories to this letter are Sir Robert Burn, who was a very Senior Officer of the United Provinces Government?—I know him.

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3313. And retired as a Member of the Board of Revenue; Mr. Justice S. R. Daniels, a very distinguished Judge of the Allahabad High Court; Sir S. H. Fremantle, who was a very distinguished Revenue Officer, with a very large experience of agricultural conditions; Mr. J. E. Goudge, a District Officer of great distinction; Mr. L. M. Jopling, also Deputy Commissioner of Lucknow, and is now practising at the Privy Council here; Mr. W. H. Moreland, a great authority on Land Revenue; Sir Richard Oakden, who retired only a few months ago as Member of the Board of Revenue; Mr. J. R. Pearson, a Commissioner in our Province; Sir Alan Pim, a very distinguished Officer who acted as a Member of the Executive Council, and Member of the Board of Revenue; and Mr. J. Hope Simpson, who was a District Officer and afterwards a Member of Parliament?—Yes.

3314. The letter reads as follows: "It has been frequently stated by the opponents of the grant of a new Constitution to India, as outlined in the White Paper, that the policy of the present Government is contrary to the views of those who, having served in India for the best portion of their lives, may be presumed to be well acquainted with the country, and therefore specially fitted to reach right conclusions on the political questions involved; and the impression caused by such statements has been strengthened by the fact that most of those retired officials who have given public expression to their views in Parliament and elsewhere have been opponents of the Government policy. We, retired officers of the Indian Civil Service, who have served for long years in the United Provinces of Agra and Oudh in every description of executive, judicial, and administrative posts, wish to state our belief that the time has now come when India ought to be given the management of her own domestic affairs and, in particular, ought to be granted such financial independence as is compatible with the retention for the present of the Army in British hands, the maintenance of solvency and of the credit of the country. A Constitution lacking responsibility at the Centre"—I wish to draw your attention particularly to this—"has the support of no important section of opinion in India. The great majority of our own Indian officials, who take no part in politics and whose loyalty has never been in question, are in favour of a responsible Executive and believe that

Indian statesmen will realize their responsibilities for good government. We know that the risk involved is great; but the only alternative is a policy of repression which cannot be continued indefinitely and must therefore fail of its object. It is better to undergo that risk now, when the Administration can carry on for some time under its own momentum, than at a later date when the number of British officers and officers trained in our Administration has fallen and when years of agitation have weakened good will. Finally, we believe that the new Constitution ought to be framed on lines generally acceptable to Indians of moderate views, so that their good will in working it may be assured. We recognize that in the initiation of such a momentous experiment it is essential to provide safeguards in the interest of both India and Great Britain, but we consider that the strongest safeguard will be found in the maintenance of the co-operation of those who are willing to work for orderly constitutional development." Do you generally agree with the line of argument adopted in this letter?—No, because I have seen the very opposite line of argument put forward in the Press by gentlemen of equal distinction and equal experience on the other side; not only gentlemen from one Province, but gentlemen from all Provinces of India.

3315. May I invite your attention to a speech by Sir Charles Innes, lately Governor of Burma, who retired only, I believe, a few months ago, delivered at the Civil Service Dinner held in London in the presence of a large number of retired Members of the Civil Service?—I was there.

3316. May I invite your attention to the report of his speech in "The Times." Unfortunately, I have not got the date of the cutting?—I think it is the 10th June.

Sir Austen Chamberlain.] The 8th June; therefore, it was in "The Times" of the 9th June.

Sir Tej Bahadur Sapru.

3317. Yes. It reads thus: "Sir Charles Innes, late Governor of Burma, was in the chair, and expressed his considered judgment that the wise course is to accept the general scheme of the White Paper. It had been his business for the last 12 years to study the forces we had set in motion, or rather gave impetus to in India, when we introduced the 1919 reforms. He believed that there could be

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no more dangerous error than to under-rate the strength of those forces. It might be that the educated classes constituted only a small proportion of the population of India, but the whole purpose of the 1919 reforms was to organize educated opinion and enable it to find expression. In this matter we had succeeded. Step by step, by successive pronouncements made on high authority, and especially by three Round Table Conferences, we had led educated people in India almost to a man to believe that they would get the sort of constitution set out in the White Paper. He did not deny that there were grave difficulties and dangers in that constitution. But his belief was that there were greater dangers in going back on what had been said and done, and in giving them much less than they had been led to expect. If we did this we should affront the self-respect of India. We should alienate all our friends; and that was a serious matter, for the only permanent cement of the British Raj in India was good will between British and Indian. No doubt we could repress for a time the forces we had set in motion—but only for a time. Sooner or later India must get self-government. Let us beware lest we took action now, the consequences of which must be disastrous. We had now a National Government in England. The accession of the Princes to the principles of federation had been a great gain. Let us seize the opportunity, which might never recur. Let us help India along the road which offered some reasonable prospect of leading her to the goal of responsible government within the Empire. There were bound to be great changes in the I.C.S., but there was evidence that young members of it were facing the future in a spirit of high courage and buoyant optimism. He, too, was an optimist for the I.C.S. and for India. Three of his five children"—and I wish to draw your attention to that particularly—"had linked their lives permanently with India; a fourth was doing a tour of Army service there; and a fifth had competed for the I.C.S. last year. He held with absolute conviction that there was still need for the I.C.S. in India and still scope for a full and interesting and valuable career in it." Do you generally agree with the drift of the argument of Sir Charles Innes?—No, I do not.

3318. You do not?—No; and for this reason, that, as I said before, I think those who have been serving in the

Government of India in recent years have had their attention deflected towards politics, to the neglect of administration, and on that particular occasion—I did not discuss what in detail Sir Charles Innes had said—I reminded the audience that in 1923 Sir Charles Innes, as Member for Commerce and Industry, introduced certain proposals in the All-India Legislature for the constitution of a Tariff Board, and he himself said—he told me my recollection of his words was accurate on that occasion—"if the masses of India were represented in this Assembly and could make their voices heard and their influence felt, I would not dare to be introducing these proposals for building up high tariffs nor would the House give them a hearing." I reminded Sir Charles Innes that those were his remarks in 1923 and that they rather conflict with what he said in 1933. I did not enter into a debate with him. The word "repression" is used, and it is said that if you do not grant the degree of reform which is demanded you can only carry on by repression. That I deny. The British Government need never carry on by repression. It has the law at its disposal and it need only enforce the ordinary law.

Chairman.] May I remind you that Sir Charles Innes is coming in person to give evidence next week?

Sir Tej Bahadur Sapru.

3319. I am not going to press it with regard to Sir Charles Innes because I know he would be the best person to say what he said or to reconcile it if it was in conflict. (*To the Witness*): You said just now that the attention of the Senior Officers of the Civil Service or other Officers of the Civil Service within the last 12 years had been drawn more to politics than to administration?—Yes.

3320. I believe you differ from the gentlemen who have been working under the existing Constitution?—Yes, from those you have named.

3321. Do you remember that Lord Meston retired before the new Constitution was set in force?—I think it was just at that time, yes.

3322. And he took a great part in the framing of the Constitution which is now on the Statute Book?—Yes.

3323. At the time when the Constitution was under consideration, when Mr. Montagu went out, Lord Meston, Sir James Meston, as he then was, having served as Governor of the United Provinces, was acting as the Finance

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Member of the Government of India?—Yes.

3324. And then he came out to India?—Yes.

3325. There have been some controversies between you and Lord Meston recently, which have appeared in "The Spectator"?—I would not call it a controversy. Lord Meston wrote an article. I did not see the article; I was asked to write another article. Lord Meston and I agree, I think, in many matters connected with the White Paper.

3326. Your article appears on 9th June in "The Spectator"; his article appears on 2nd June?—Yes. I had not seen his, and I refrained from seeing it before I wrote mine. I did not wish to be drawn into controversy with an old friend.

3327. May I just invite your attention to two or three passages from that, and I will only ask your opinion with regard to them. Lord Meston says this: "On details in the proposals there may be much to amend; there is ample room for differences of opinion and experience. But the broad case for a forward move is unanswerable. It rests not only on our pledges, not only on three years of Round Table Conference, not even on the pronouncements which have been made by leaders of each of our political parties. All these have aroused anticipations in India which, though they may be exaggerated, cannot be ignored. There are stronger reasons, however, reasons altogether independent of what may be said or promised in this country. By the testimony of those who know India of recent years, she is changing at a pace formerly thought impossible. The sense of indignity in being regarded as a subject people is spreading: and with it is rising and mingling much economic discontent. The classes which have acquired English education are united in their demands for greater political freedom. They form, it is true, a small minority; but they have opportunities and the will to disturb the multitude, and they can sound depths of popular emotion to which we have no access." Do you generally agree with that line of argument?—Not with all of it, no. I am as ready to accept the Constitutional advance as Lord Meston is, except that I consider the guiding factor must always be: Will it conduce to the welfare and advancement of the peoples of India. If you can show that it will satisfy those conditions, that you are not gambling with the rights and interests of the

people of India, then I would be prepared to go forward.

3328. You went out to India, I believe, in the year 1885?—Yes.

3329. Will you kindly tell the Committee what was the state of political opinion, or public opinion, if any, in the Punjab in 1885?—I think the national Congress had just been formed in that year.

3330. Yes. In the Punjab, what was the state of political opinion? I say it was practically nil?—It was very small.

3331. And there was practically no Press in the Punjab at that time?—Yes, there was.

3332. Even in 1885?—Yes, in 1885 the "Tribune" was going strong. The "Tribune" is written in English.

333. The Press in Hindu?—There was very little of it.

3334. By the time you left in 1919, what was the state of the Press there, both the Indian Press in English and the vernacular Press there?—There certainly has been a great extension in circulation, but the Press, I will not say had shown increasing responsibility, because a great section of the Press was extremely irresponsible and strongly anti-British.

3335. I do not want to disguise that fact?—There had been a great extension, but I think the total circulation, as far as I remember now (we made a calculation), of all the papers in the Punjab at the time I am speaking of, was something between 150,000 and 200,000. That is my recollection.

3336. And some of these papers do reach the villages?—Undoubtedly.

3337. And in every village at least there are one or two men who can read?—Undoubtedly.

3338. And who can explain and lead, or mislead, their friends?—Quite so.

3339. That has been going on in the Punjab?—Yes.

3340. And, perhaps, your experience of 1919 was that the masses had been misled by the educated classes?—They certainly were misled, I will not say by the educated classes—by seditious agitators.

3341. Who came from the educated classes?—The troubles of 1919 did not originate in the Punjab. They came up from Delhi and Ahmedabad. Mr. Gandhi's movement started there and spread to the Punjab.

3342. Do you suggest, from your point of view, that the educated classes in the Punjab in 1919 did not acquire a hold over the minds of the masses?—I will

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[Continued.]

Witness.] I say the figure of 3, which I have mentioned, was supplied to me by this mail by an Indian correspondent. I only ask the Committee to ascertain whether it was right or wrong.

Sir Samuel Hoare.

3351. I have just confirmed it again. The figure was 15, on the 1st January?—There is a point to remember. In the hot weather a great many British officers go on leave. If you compare the figures on the 1st January and the 1st June, you will find a notable difference. My information applied to the 5th June.

Mr. Zafrulla Khan.

3352. I should like to point out that it will not be found, on reference to official records, that at any time, even for a single day, in the Punjab the proportion of British District Officers to Indian District Officers was anywhere near so low as four to 24, on any day in any year?—I should be only too glad to be corrected by Chaudhri Sahib Zafrulla Khan.

Mr. N. M. Joshi.

3353. In order to prove the capacity of Indians to manage their own affairs you quote the resolution passed by the Bombay Municipality as a protest against the failure of British Government and British Parliament to do justice to Indian Nationals, and you disapprove of that resolution?—Yes.

3354. May I ask you whether you consider it also the incapacity of British people to manage their own affairs if the British Government and the British Parliament very recently have passed retaliatory measures against a country as a protest against the failure of justice only to two British citizens?—I do not think the cases are analogous. In one case you had so-called judicial proceedings taken against men who were subject, at all events, to the third degree and, according to the best information available, had been unjustly imprisoned on false charges. That was a very different state of affairs from the condition which existed in East Africa.

3355. You considered an injustice done to a whole community in East Africa is not a very serious affair, but an injustice to two British citizens is a more serious affair?—No. The ventilation of grievances in East Africa was proceeding. These two men were put in jail.

Dr. B. R. Ambedkar.

3356. In your evidence I find that you make a very sharp distinction between

what are called the intellectual classes, or intelligentsia and the masses. I want to ask you this: Do you make any difference in the situation when the intellectuals which you have in mind are drawn from one particular stratum of society, and the situation in which the intellectuals are drawn from the different strata of society?—I do. I think if they are drawn from different strata they will have a wider outlook.

3357. Do not you think in the present circumstances in India the intellectual class is really a composite class not merely drawn from the Brahmins, but from the non-Brahmins, the Muslims, the Depressed Classes?—It varies very much in the different parts of India. In the North of India the intellectual classes are predominantly Hindu outside the Punjab, and are drawn from the higher caste Hindus. In Madras, where education has been more widespread, the situation is different. It would be very hard to generalise.

3358. The point I wish to put to you is this: You would not say, I am sure, that if the intellectual classes are drawn from the different strata of Indian society, that there would be the same dichotomy between them and the masses as would be the case if the intellectual class were drawn from one single stratum?—I entirely agree with you, there would not be.

3359. Therefore I think it would logically follow that such an intellectual class could be trusted to take care of the masses from which they themselves are drawn?—I think so; they would be more likely to do so.

3360. I want to ask you another question: Is it not a fact that the existing Government rather fight shy of a legislative programme of social reform?—Yes, I think on the whole there is a hesitation to do anything which could be construed or misconstrued into interference with religious usages.

3361. Do you not agree that a large part of the inefficiency of the Indian people is really due to these social evils?—I think it has been largely due to that.

3362. And therefore a Government which fights shy of a programme of legislative reform in order to remove the causes of social inefficiency of the Indian people is a weak Government?—I would not say the Government fights shy. The Government hesitates until it feels it has a certain support of a mass of public

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opinion on its side. I think on that ground it supported the Sarda Act, though there was considerable opposition from orthodox people.

3363. Yes, but in the main its legislative programme has been very poor?—Yes, because legislation can never be too much in advance of public opinion in a country like India. When the Government first introduced legislation of that kind Mr. Tilak was at once up in arms, and said the Government was interfering with religion. The result was an agitation in the Deccan and massacres.

3364. The Government was frightened by a single individual like Mr. Tilak?—It was not Mr. Tilak alone; he had marvellous powers of carrying people with him.

3365. Indians would not be afraid of Mr. Tilak?—I think they would. Very few people would cross swords with Mr. Tilak. Lord Sydenham was one.

3366. You said you would not transfer Law and Order for the moment. You would transfer all the other subjects, not transfer Law and Order, and not make any change at the centre. Would you give us any idea of the interval you would like to elapse before Law and Order is transferred?—I would leave it to the people themselves. When communal antagonism dies down, when Ministers who have been given extended powers have used those powers in the Departments of Land Revenue, Irrigation, and others, and have shown that they are capable of being entrusted with further powers, when the anti-British agitation which exists, and terrorist gangs which exist in certain provinces have been got under, and when conditions are otherwise favourable, then I would favour a transfer of Law and Order.

3367. You were asked whether there was any section of the Indian public which would be favourable to the sort of scheme which you propose. You said: Yes, there would be some sections in India which would accept that?—Yes.

3368. I want to put this to you: Make the other assumption which is being put to you that there is no section in India which will accept that. I ask you to make that assumption?—Yes.

3369. Then tell us what would be your next move, supposing you found that there was no section in India which was prepared to accept your proposal; what would be the advice that you would tender to Parliament in that case?—I

would go ahead on the lines I thought most suitable for the benefit of the people of India.

3370. Your position is do what you think best and leave the Indians to accept or not accept?—Yes; trusting in time that they will see that the restrictions imposed—

3371. For the sake of argument make the assumption that ultimately, after sufficient waiting, you found no Indian section to accept your scheme, what would be the advice you would then tender to Parliament?—The advice I would tender to Parliament would be to go ahead with the scheme which you consider reasonable and workable in the hope that the people in time will realise that your position is a reasonable one and will come round to accept it.

3372. I am sorry you are not following my question. My question is a very specific question?—I might abbreviate my reply in this way I do not think people will maintain an unreasonable attitude for an indefinite period of time.

3373. Supposing they thought the White Paper scheme, or your scheme, was so bad that they would not touch it?—The King's Government must be carried on according to the best methods by which you could do so.

Sir A. P. Patro.

3374. I appreciate very much your great anxiety for the welfare of the masses of the people; I sincerely do so; but may I draw your attention to a movement, in the South of India and in parts of Bombay and the Central Province, known as the Justice Movement?—Yes, I have heard of it.

3375. You know that that movement represents the people and the masses generally?—I am not in a position to say, having no direct knowledge. I should think it would be challenged by certain other sections.

3376. It was started in the interests of the masses of the people?—Yes.

3377. Do you know that that movement has been combating recent activities of the Congress?—I have not enough definite knowledge. I do not like to speak about things I am not sure of.

3378. You know that the Justice Movement in all these three Provinces has resolved that, unless Law and Order is transferred, Provincial autonomy is a sham without substance—I am using the

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exact language?—I am not aware what resolutions they passed.

3379. That is the view held by the Justice Movement in the three Provinces?—I accept that.

3380. If that is so, do you think your scheme, if carried, will work in the three Provinces?—I think so. As I said before people always put forward demands for a great deal more than they are prepared to accept, and, if they find they are getting a substantial amount, they would be prepared to work it, and then to wait for the satisfaction of their further demands. The great mass of the people in India are not unreasonable.

3381. You have been speaking in public meetings very frequently of late. I want to remind you of a speech you made at the Lyceum Club on the evening of May 15th, which is reported on the morning of the 16th in the *Morning Post*?—Yes.

3382. I want to read to you a quotation. It is not a summary of your speech, but it is exactly as you said it. It is a quotation. You said: "We want to give Indian Ministers the opportunity to govern and maintain Law in their own Provinces first, before we hand over the Government of the whole of India to them." Is that correct?—I do not remember it exactly, but it is the general effect.

3383. I want to see if that is exactly what you said?—I did not issue or see any report of it. That represents my general view that Indian Ministers should first prove their capacity in the Provinces before they claim to take control of the Government of India. That is my argument.

3384. "We want to give Indian Ministers the opportunity to govern and maintain Law"?—I do not remember the words. I should think it is a misquotation as regards the word law.

3385. In spite of the *Morning Post* giving it as a quotation?—I do not write out everything I have to say after dinner.

Lieut.-Colonel Sir H. Gidney.

3386. My Lord Chairman, I should like to ask one or two questions. Sir Michael, you have had considerable experience in your career regarding the community I represent here?—Yes.

3387. Could you tell the Committee how, in your opinion, any further advance of reforms would affect its recruitment in the Services?—I am afraid the outlook for your community would be very poor because they are a comparatively small

community, unimportant politically, under present conditions, although they have done great service to the British Empire in the past, but the danger is that they will be treated, as I am afraid the British under this scheme are being treated, as an unimportant minority, and therefore their position in the Services will be seriously endangered.

3388. When you were Lieutenant-Governor of the Punjab, can you state whether the community rendered you great service during the unrest of that period?—Yes, one could always count on their loyalty and their support, and, in particular in 1919 we had serious troubles with the railways, when some of the railway staff and also some of the Telegraph Staff had associated themselves with seditious activities, at the time of the Afghan War. We had temporarily to get rid of those whom we suspected, with good reason, and to put in their places several members of your community who had had some training in railway work and also telegraph work. They were of tremendous assistance as a support to the British Army and Territorials who were in the Punjab at the time.

3389. Have you read the Government Despatch on the Constitutional reforms?—Not recently.

3390. But you remember that the Government of India have voiced great apprehension of the position of my community on the railways, and they have said that it should be the function of Parliament to protect them?—I am very glad to hear it. I had forgotten.

3391. That is so?—Yes.

3392. What would you suggest would be the best means of obtaining security of employment in these Services for the community?—I would not like to say offhand. I recognise the necessity of this community receiving some statutory provisions which would guarantee that they received some share in the Services in the future, but offhand I am not prepared to make any specific recommendations.

3393. If the Princes federate in large numbers within one or two years, as stated they hope to do, don't you think this would introduce a very safe Conservative element in the Federal Government, and would you then accept the transfer of responsibility in the centre, and transfer of Law and Order in the Provinces?—No, I would not accept a transfer of responsibility at the centre.

3394. Partial?—No, because I consider that, under the scheme outlined, until

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the various constituents are in a position to say that they are willing to enter a Federal Government and surrender certain powers to that Federal Government, doing this of their own free will, it is impossible, or at all events unadvisable, to try to forecast the form that the future Central Government should take.

The Archbishop of Canterbury.

3395. Sir Michael, I am sorry to trouble you with some more questions, but they will be very short. I am rather anxious to get your evidence in order to clear an impression of some implications of your answers. I understand that your view is that there should be provincial autonomy except for the transfer of Law and Order in all the provinces, but that the Central Government should remain as it is?—Yes.

3396. Do you think the Central Government, as it is, is very strong?—When I say “should remain as it is” my idea is that it should remain responsible to the British Parliament. That does not debar certain changes being made in the Central Government to make it more independent of the Secretary of State, or to make it more, shall I say, representative of the different interests involved in the British Indian Empire.

3397. At present it is some weakness, having to be connected with a legislature in which it is apt to be in a permanent minority?—Yes; therefore I think it was a pity that in the demands hitherto made to frame a Central Constitution we have blindly copied the British system of responsibility of the Executive to the Legislature. That system apparently only obtains in France and England. It is not the system in force in other countries, and I think it is a great mistake rashly to commit ourselves to what the future form of Central Government shall be. The Simon Commission warned us that that might be disastrous, and that we should let things evolve themselves.

3398. Is it your view that whatever strength the Central Government at present has would be diminished, and whatever weakness it has would be increased if it were to deal with Provinces which had a large measure of autonomy and full responsibility?—That one must be prepared to accept and to relax the control of the Central Government in so far as you were granting provincial autonomy. That I would agree with.

3399. You would agree also that any influence which the Central Government could have upon India as a whole and upon the Provinces would be weakened, if the autonomous provinces were always to feel that they, being responsible themselves, were dealing with a Central Government which was not responsible?—That objection might weigh for a good deal in theory. In practice I doubt if it would be of much effect. You have your provinces; you have given them these very wide powers. They are restricted from certain fields of administration like railways and tariffs and that sort of thing, which are controlled by the Central Government, but they have quite enough of their own to bite upon without resenting the fact that there is a Central Government above them, and also the Provinces will often need the help of the Central Government, and will desire that there should be a strong Central Government to help them with their troubles, financial and others.

3400. Would not the tendency of an autonomous Government, proud of its responsibility, be to criticise rather continually a Central Government which was in no such manner responsible?—I do not think so, because they depend so much on the Central Government. They will have to depend on it very largely for support in various emergencies, financial support, administrative support, the loan of officers and various other things. I do not see why the two should not work with reasonable harmony side by side in their respective spheres when clearly defined.

3401. Would you think that there is anything in the suggestion that, after all, what is proposed in the White Paper might mean a really stronger Central Government, inasmuch as it would have fuller responsibility, and therefore carry more weight in India generally, and also that on great matters the Governor-General would be able to resume into his own hands the exercise of his responsibility without being, as at present he is, upon a Council dependent partially upon the Legislature?—I do not accept that view because I think the views of the people of India of all classes as regards the future Government of India will be largely influenced by the fact whether it has the British Crown and the British Parliament behind it or not. Under the White Paper it wouldn't.

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3402. May I turn for a moment to the Provinces. Your view which you have put so clearly before us is that you think they must become political entities before any idea of Federation can be entertained and by "political entities" you have told us you mean provinces autonomous to the full extent including the transfer of Law and Order. Who is to judge when the provinces have reached the status of political entities?—I should think the British Parliament, and also there will be a spontaneous desire for Federation if things develop on the lines that are anticipated among the provinces themselves. What I feel is that if now you make it a condition of constitutional reform that the provinces should establish a Federal system, you are much more likely to have the provinces in future breaking away from it. They will say: "The Princes were given the option of entering into Federation; we are much bigger than the Princes; we are great Provinces; we are given no such option. We now realise that Federation is not to our interests," and there would be considerable danger of their breaking away from it, on economic or other grounds.

3403. Your point of view is that Federation is inconceivable until all the Provinces have proved that they are, in your judgment, capable of the proper management of Law and Order?—As regards the Princes you are accepting only a majority hoping that the others would come in. Supposing you had one province standing out from Federation and making it impossible, I would not delay federation on that ground, if the great majority of the provinces were coming in of their own free will, but I think it ought to be a deliberate assent from the provinces.

3404. It would be exceedingly difficult to have one or two provinces, who are not in federation, standing by themselves?—The same may happen in the case of the Princes. The same may happen in Australia, where some of the States threaten to stand out.

3405. These provinces would be in a very different position?—They would be autonomous, but would not come into the Federation.

3406. I will leave it there. Your point is that the autonomous provinces must learn by experience to exercise their functions before this admittedly great and true ideal of Federation can be realised?—Yes.

3407. Do you still think that they are in a good position to show the attainment of that experience if in a very vital and important matter they are always able to say, "We have no responsibility about it" (Law and Order I mean), "we must leave that responsibility to others"?—In order to make things easier for the proposed federation I suggested that the transfer of Law and Order might not be considered an essential part of autonomy. That was to make things easier. I said that the transfer of Law and Order need not necessarily be made a condition precedent to the accession of the provinces to a Federal system, and for this reason that I consider Law and Order is more an all-Indian matter than a provincial matter, or is as much, at all events, an all-Indian matter.

3408. To that extent you go back on what you said in evidence before?—That point was raised by the Chaudhri Sahib, and I said I would be willing to give way on that point. I said at first that I thought it should be autonomous including Law and Order.

3409. Your words in answer to Question 462 were: "My view is that the Provinces will not be political entities until they have got charge of the whole field of provincial administration, and when they are in a position to balance their budget and take over control even of Law and Order"?—I varied it in reply to Mr. Zafrulla Khan.

3410. You appreciate the point?—Yes.

3411. That you are holding everything back until the provinces have attained a position of full autonomy through showing their capacity to deal with all the matters you are prepared to give them?—Yes.

3412. Even though on a most vital matter they are under no opportunity of proving their worth and their experience?—That is why when the point was raised by the Chaudhri Sahib Zafrulla Khan at the last meeting I said I would be willing to allow them to federate even with Law and Order still reserved, and I quoted the case of Catalonia, which is the most important province in Spain in which the control of the police is maintained by the Central Government.

3413. If I may say so, I did not think Catalonia was very relevant but may I just ask one other question on your general point. I am anxious to have it clear. I think you partially admitted that some of us have been rightly informed in being told that

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during the last ten years, when you have been absent from India, there has been a most remarkable increase in the interest of what you call the masses in political questions. You admit that?—There has been a considerable increase.

3414. You said that you were prepared yourself in 1919 to accept and follow the reforms made then because of the expectations that had been aroused. You would admit that since then much greater expectations have been aroused by the declaration of the British Parliament of December, 1931, and by the issue the White Paper?—Yes.

3415. Therefore, if it was reasonable for you to run risks in 1919 because you did not wish to disappoint the expectations aroused, might it not be reasonable to say that risks might be run now, in view of the far greater expectations that have been aroused?—My point is that we are already, under the suggestions I have made, running great risks in transferring the whole field of Provincial Government, including land revenue, irrigation, finance, forests, which have hitherto been reserved, to the control of Provincial Ministers responsible to Provincial Legislatures.

3416. Just supposing that your optimistic anticipations were not fulfilled, if your proposals were adopted by Parliament, and there was a very, very marked resistance to that policy on the part not only of the politicians but of the masses whose expectations have been aroused, do I take it you still think that the way to counter that would be to do what you suggested before, as I understood, that the Government servants should be actively engaged in a propaganda in favour of your views?—I maintain that the action of Government under the conditions your Lordship has stated will have considerable support from a great mass of the people, even of the intellectual classes, who are non-vocal at present, and that the great mass of the people are only interested in this problem in so far as their security, justice and livelihood are concerned. Therefore, if the scheme which is decided upon ensures those conditions, I do not think you need anticipate any serious stir or unrest among the people, at all events which Government would not be quite competent to deal with under the ordinary law.

3417. Do you adhere to what you said in answer to Question 742 to Sir Ramaswami Aiyar: "What would be the machinery that you would employ

for the enlightenment of the masses apart from the intellectual classes?"—who, *ex hypothesi*, would be on the other side?—Yes.

Archbishop of Canterbury.] Your answer is: "Of course, the Government has the whole machinery of administration at its disposal still. It has its officers, British and Indian, and they are always in touch with the masses, at least in the up-country Provinces, and they are in a position to explain the intentions and policy of the Government." Would that make for good Government to have the servants of the Government engaged in propaganda of that kind?—Yes.

Viscount Burnham.] That was suggested by the Statutory Commission.

Archbishop of Canterbury.

3418. Just one more question: I understood you to say to-day that in the Punjab, with which you were once so familiar, there have been many evidences of even native apprehension of the consequences of any policy like the White Paper and even of considerable deterioration and corruption since the reforms of 1919?—That is so.

3419. Then am I right in thinking that your own immediate successors in the Government of the Punjab would be familiar with those facts?—Undoubtedly.

3420. Am I right in thinking that they all of them take a very different position from yours?—I do not know what their views are.

3421. Is it not the case that two of them at least have publicly said so—Sir Geoffrey de Montmorency and Sir Edward Maclagan?—I have not seen any public statement by either of them; it is possible.

3422. They have signed a statement to that effect. Therefore, they would be more familiar with recent events in the Punjab even than you with your great knowledge?—Yes, but as I said, in my time we took administration as the primary object and, later, politics were given priority.

3423. Would you think that these equally eminent Governors of the Punjab, because they viewed political interests, were less careful of administration than you were?—I think, when you have created a political machine, you must to a large extent take an interest in its working, and to that extent contract your interest in the administration.

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As illustration—a member of the urban moneylending class who was sentenced in 1919 to transportation for life for seditious and libellous action was in 1920 amnestied; and appointed Minister of Agriculture (for political reasons) in 1931.

3424. You would admit that those who were in the position of Governors of the Punjab were in a position to get more accurate information and in a position

of even greater responsibility than yourself?—They had greater sources of information, but less responsibility, because the responsibility was shared by their Ministers and Executive Councils. I had not the advantage of having either.

3425. But fuller administrative responsibility than you have at present?—Fuller than I have at present. I thought you were comparing it with my position as Governor.

(After a short adjournment.)

Major Attlee.

3426. Sir Michael, you have said that, in your time, administration was the important thing, and that, to-day, they had to consider politics?—Yes, politics more than in the past.

3427. Since you were in India, it is a fact, is it not, that the administration of what are called the nation-buildings services have been put in the hands of Ministers?—Yes.

3428. And everywhere, except in the Punjab, the local officer has ceased to preside over the District Board?—Yes.

3429. Therefore, that side of administration, and, with the transfers which you approve, when that has been done, the administration other than tax collecting and keeping Law and Order, is in the control of Indian responsible Ministers?—No. Finance, for instance, in the Provinces is not in Indian hands. Finance is a reserved subject; Land Revenue which is the basis of the whole administrative machine is a reserved subject; Forests are reserved subjects, besides Law and Order.

3430. That is exactly what I said. You propose that Forests should be transferred, but Land Revenue is, after all, taxation?—It is not only taxation; it is adjudication, because you have got to elaborate the whole organisation for record of rights as well as taxation. All titles, for instance, are under the Land Revenue organisation. It is taking a limited view to say that Land Revenue only deals with taxation. The whole basis of rights in land and rights in water are under the Land Revenue Department.

3431. The point I wanted to lead you up to was this, that, in the event of your proposals not proving acceptable, you rather indicated that the important thing was good administration, and that if you gave good and just administration, the

Indian masses would rally to your side?—Yes.

3432. But if, as a matter of fact, a large part of the administration is in the hands of Indian politicians, it will be less easy than in your day to convince the masses that good administration comes from the British element rather than from the people who are actually in control?—That is so; but the ultimate test of good administration among the people is security and justice—that means Law and Order. That is why I say that is the last thing that should be tampered with.

3433. Let me take a further point. There is a passage in the first Volume of the Simon Report on page 408—I dare say you are familiar with it; in effect, it states that although there are various degrees, the Nationalist idea has spread throughout India, even including the members of the Services?—Yes. The Simon Commission, I have no doubt, were in a better position to judge that than I am.

3434. If, as a matter of fact, the Nationalist idea is widespread among the educated classes, the bulk of your people in the Indian Services who are, of course, Indians, will come from home presumably, with the Nationalist atmosphere?—Yes, but Nationalist atmosphere is such a very vague term. "Nationalist atmosphere" includes a very laudable desire to get an increasing share in the Government of their own country. It does not mean that the Indian members of the Service desire to exclude the British element from the Services.

3435. I agree. The point is this, that you, I gather, were relying upon this, that if, as a matter of fact, your plan was adopted, even though all political India was against it, you would have the Services and would be able, therefore, to propagand against it, but, supposing, as a matter of fact, your Ser-

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vices were in general sympathy with Indian political aspirations, I do not say the Congress, where would you be then?—In India, the man who pays the piper calls the tune, and the mere fact that the Government controls the Services and the Services are loyal to the Government, as long as the Government does not adopt an unreasonable policy, the Services, whether British or Indian, will loyally carry out that policy. I say that because one knows that in the past a considerable section of the British Service did not quite approve of the Reforms of 1919; at the same time, they gave them their loyal support, and it was very largely through their agency that they have achieved such success as they have achieved.

3436. That rather begs the question, does it not, because the criterion is always what you consider reasonable?—Yes. Anyhow, the ultimate test is this: The Government says: "This is our policy." They are the servants of the Government; they are under an obligation. Unless it conflicts with their conscience, unless you do anything which conflicts with their conscience, when you say to them: "We are willing to make such-and-such arrangements; we think we cannot at present go further than that. We want you to carry out that policy. And make the people realise that we are acting in their interests," I do not think from what I know of the Indian members of the Services, there would be any appreciable opposition to supporting such a statement of policy.

3437. Have you studied Nationalist movements in other countries, at all events?—To some extent—in my own, among others.

3438. What is your impression—that a Nationalist movement is easily satisfied with good administration, where the Nationalist ideal is not admitted?—It depends a great deal upon the traditions of the past. I do not think, in Ireland, it would have been quite satisfied with good administration at the present day, because they have very long memories in Ireland, and they went back to the bad administration of the past, whereas, in India the thing is absolutely different. Here with such recollection as they have, British rule came to their rescue, rescued them from anarchy and invasion, and gave them internal security and justice, so the fact that they have that background of British rule to look back upon will colour their views and their

outlook on any future measure which the British Parliament decides upon.

3439. Do you think memories in India go back 200 or 300 years?—They go back 100 or 150 years; in the Punjab they go back 70 to 100 years, and any intelligent person cannot help knowing what the position was in the past and how that position has been improved so immensely in their favour that the position of India as regards the essentials of security and administration are infinitely above those in any adjoining oriental country. They hear a great deal of Afghanistan, Persia and China and they are able to make comparisons, and such comparisons as they can make are entirely in favour of the administration of India.

3440. I gather from your Memorandum that you are in favour of a free Press?—Of course, freedom, but not licence.

Lord Snell.] Sir Michael, I should like to ask one or, perhaps, two questions on the same point. I am interested to know why you assume that, because modern officials in the Indian Service have wider interests and duties than was customary in your day, you should consider that they are at a disadvantage in estimating the wishes of the masses of the people?—I do not say that they are at a disadvantage in estimating the wishes of the people. At the same time, new factors have come into play, and they give these new factors, the political factors, more weight than those of us who had to deal primarily with administration gave to the political factor, which was then a comparatively small one. That is why I say those of us who were connected with the pre-War India, or India up to the Reform stage, were, I think, in a better position. We had more leisure to deal with questions of administration than our successors of the present day, who have to concern themselves so largely with politics.

3441. That is to say, that a man who had restricted his official life to office duties is in a better position to estimate the tendencies and will of a vast population than the man who mixes among them and tries to understand their views?—I think that is not putting the thing in the right way. For instance, I am sure in the old days we were not restricted (it is the last thing we were) to office duties. We had more leisure to tour round among the masses of the population and to ascertain where the shoe pinched. Now the thing is more centred in the

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Legislature at Headquarters, and the Governors and the officials of the present day have much less leisure, and use such leisure as they have much less for going among the people and ascertaining their needs and wishes at first hand. That, I think, is an admitted fact.

3442. Just a question on another point. Assuming that there has been, or that there still is, corruption in India, does that distinguish the Indian people from other peoples who have passed through similar experiences?—I will not say it is peculiar to India; corruption, I think, is common everywhere in the East, and the further East you go in Europe, the more prevalent you will find corruption, where you have not enlightened public opinion and the Press to fight against it. Corruption is endemic in the East, I do not say in India alone, and when a man gets power and place his people under Oriental conditions will look to him to use his power and place legitimately or illegitimately to further their interests. That is the traditional Oriental system.

3443. Assuming that is so, is not the way of escape from such conditions by the way of trial and error and increased responsibility rather than prohibition?—Increased responsibility sounds very well, but we found in the case where Government has practically thrown all the responsibility on local bodies, so far from resulting in a decrease in corruption, it has resulted in an increase. I think I quoted some instances in my Memorandum, that the misappropriation of public funds by local bodies, for which the Government renounce all responsibility and power of control, had become a source of mirth or envy rather than of reprobation. There is, among some of the educated classes, a movement strongly against corruption.

3444. I suppose Sir Michael is aware that such conditions have prevailed in other countries?—Undoubtedly, but in India the opportunities are greater.

Mr. Cocks.

3445. Sir Michael, I understand that, in answer to Question 876, you said that your sole interest was the welfare of the people of India?—Yes.

3446. And I take it that you specially desire to protect the interests of the 95 per cent. of the population which is not politically minded?—Yes; I think that is our most important duty with regard to those who cannot help themselves at present.

3447. You also said, in answer to Questions 906 and 907, that it was very difficult to get the opinion of the Indian masses except to the extent of their votes. That was less than 3 per cent. of the population?—At present, yes.

3448. And you also said, in a previous answer, that the intellectual classes at the present time can influence the masses and would be able to influence the masses for certain schemes, but if the schemes did not help the masses the latter would not support them?—That the intellectual classes were able to influence the masses?

3449. Yes?—Yes, undoubtedly, to some extent, and in some directions by appeals to religion particularly more than anything else.

3450. Are you not, therefore, in favour of a wide extension of the suffrage?—I think what has been proposed at present, if anything, goes too wide, raising it at one jump from 7,000,000 to 35,000,000. There are practical reasons, as well as theoretical reasons, against it; it is almost impossible. At present it holds up the whole machinery of administration to poll 4,000,000 out of the 7,000,000 electors, because it is desirable that Government officials should be in charge of the polling booths, and it is very hard to supplement those agencies sufficiently. When you get 20,000,000 polling the difficulties of registration of polling will be enormously increased. That is only a practical reason, but I do not see much use in adding enormously to the number of illiterate electors. As education spreads, as political interest extends, do so, but with all this mass of 30,000,000 or 40,000,000 of electors on the roll, you are simply making fodder for demagogues, or people who stir up racial or religious strife.

3451. How can the masses resist harmful measures proposed unless they have the vote?—There is a certain amount of commonsense at the back of every man, whether in England or in India. Now and again they do not resist, they are carried away by a wave of enthusiasm. For instance, a wave of enthusiasm like that of Gandhi.

3452. I am afraid you did not follow the question. How could they resist harmful measures proposed by the minority, unless they have a vote and are able to object to them?—They can resist by not responding to them.

3453. How would they have an effect upon the legislation, unless they have a

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[Continued.]

vote?—They cannot have any effect upon the legislation at present; I admit that. I am sorry, I did not quite grasp your question.

3454. You also said, in answer to a question, that you were prepared to transfer Land Revenue, Forests, Irrigation and Finance?—Yes.

3455. In your Memorandum you said: "On which the progress and welfare of the population mainly depend"?—Yes.

3456. Therefore, you are willing to trust the politically minded Indians with the administration of the four subjects upon which the welfare of the population mainly depends?—Quite so, thereby giving them an opportunity of extending it still further.

3457. You are not willing to give the masses the power of influencing the Government upon those subjects?—Not at present, because I do not think they would be able to exert their influence in any wise direction. There is a considerable extension of the franchise proposed, from 7,000,000 to 35,000,000. I am not opposed to that, but I think it is taking a very big risk, with these enormous illiterate electorates.

3458. But, Sir Michael, as you are willing to hand over to the Indian Government the subjects which affect the best part of their lives or the biggest part of their lives, therefore, when you object to the transfer of Law and Order, you are not thinking so much of the 95 per cent. as of some other considerations, are you not?—Law and Order is the primary consideration. Also there is this point, that you are going on with this experiment as an experiment, and if the people to whom you give these extended powers, abuse them (I do not say they will), you are in a position to recall them. I would not irrevocably make over anything, except subject to wise exercise of the powers you are given. What Parliament gives it can re-call.

3459. I understand that your main objection to the transfer of Law and Order is that it may be a means of communal pressure?—That is one of the difficulties, also there is political pressure.

3460. In the Indian States where Law and Order is administered by the Indians, is it exercised in that way?—I have not got enough knowledge, but I know that in two, at least, of the States which have come into prominence in recent years, one is Kashmir, and the other is Alwar, the rulers in both cases are Hindus, and the Muhammadan subjects complained that they were not receiving adequate justice

and that is why the public peace was disturbed, and why it is necessary for the British Government to send in troops, and to send in British officials, to restore the situation.

3461. You would not take Law and Order out of the hands of the Indian States?—No, certainly not, because they have a right, at the present time, to call upon the British Government to come to their assistance in order to maintain their integrity and to support them against any internal subversive movement. It was on that ground that the British Government came to the assistance of the States of Kashmir and Alwar, because they were bound by treaty to maintain their integrity.

3462. Taken over a long term of years, those are really exceptional cases, are they not?—There are a great many more, but those happen to be the two that come into one's memory. Indian States were more free in the past from communal disorders, but there has been a tendency, recently, for these communal disorders to spread from British-India into the States.

3463. Then you made some reference to the fact that economic differences will grow up between the interests of the producers and the interests of the consumers?—Yes.

3464. Do you not think that this re-alignment will tend to cut across communal differences?—I did all I could when I was in the Punjab, and the machinery for the new Government was being established, to try and get them on to that alignment. The only non-communal alignment possible in the Punjab was on the basis of urban versus rural.

3465. With the development of a responsible Government, does not that favour that re-alignment?—Unfortunately that lasted only for some time in the Punjab. After a time, from other Provinces, it may be from the Punjab itself, the communal element came in, the temporary alignment on economic grounds disappeared, and it became purely a communal question of alignment. I am afraid to-day it is more a communal than anything else, even in the Punjab.

3466. You say in your Memorandum: "It is essential to retain Law and Order until bitter communal feeling is replaced by a sense of co-operation and common citizenship"?—Yes.

3467. Will that not be developed by responsible Government, and how can it be developed without it?—I do not know that it will. You cannot call it responsible

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Government in the ordinary sense of the word what you are contemplating in India. When you have communal electorates, when each party, the Brahmins and the non-Brahmins and the Hindus and the Muhammadans and the Sikhs and depressed classes all demanding their separate representation; I do not see that you can call that representative Government in the sense we understand it in this country. So far as you have had a representative Government, since 1921, I think the universal opinion is that it has tended to accentuate and increase communal differences, rather than to smooth them over, because each community is endeavouring to safeguard its position in the future Constitution and to entrench itself.

3468. Of course, in this country we have representatives from Scotland, Wales, and even from Ireland?—But they are not based on communal grounds, they are local. We all agree that here territorial representation must be the only basis of representation, not communal.

3469. The second reason you gave was this, that you would not transfer Law and Order until there was a disappearance of the seditious and anti-British movement?—Yes.

3470. Have not these anti-British movements arisen as a part of the movement for the gaining of responsible Government?—No, they are long antecedent to that. That, no doubt, is used as an argument. The murder gangs have been going on ever since 1897; that was when the first murder of British officers took place in Poona. That was the time of Mr. Tilak's agitation. The ground on which that agitation was developed was that you were interfering with the customs of the people and their religious usages by certain plague measures taken. To-day, there is a section which is out for complete independence, to be obtained by means of the bomb, the dagger, or the pistol, or any other means.

3471. But these movements must arise, for some reason, and even the case you have just cited, although mistaken, no doubt, was in a way a movement for Nationalism?—Undoubtedly, yes, mistaken.

3472. And you know, of course, that the Simon Commission said that, we must face the fact that responsible Government in the Provinces cannot be achieved without this change that is the transfer of

Law and Order?—Yes, but I do not accept that.

3473. I understood from you just now that you do not think that the possession of power produces a sense of responsibility?—Not necessarily, because, as I have said, I go more by experience than by theoretic reasoning.

3474. Does not that fly against the experience of the whole world?—I cannot find that where power has been given, as in the case of local bodies in India, it has produced a sense of responsibility; in time, it may, that is why I think a leap in the dark, in the case of transferring Law and Order, is too great to take the risk at the present stage.

3475. Are your reasons for requiring the British element in local administration that there has been not evidence of certain mal-administrations, especially in financial matters?—Yes, mal-administration in certain great municipalities.

3476. Do you think that is an Eastern vice?—No. I think it is more common in the East, because you have not got such sound public opinion.

3477. Would you say the word "graft" was of Indian origin?—No; the fact is well known.

3478. You will not be offended when I suggest that it is sometimes associated with officials of Irish origin?—I believe in America, yes; I have no first-hand knowledge. I think it may have been so in the old Dublin Corporation; it might have been on the same footing as in Bombay or Calcutta.

Sir Pheroze Sethra.] Not Bombay.

Mr. Cocks.

3479. Still bearing in mind your statement that your sole interest was the welfare of the people of India, I see you rather complain that, in the Punjab, there is only one man who represents British interests?—Yes, only one in the Legislative Council of 175.

3480. And you say in your Memorandum, the Punjab with its canals, its railway system, is essentially a British creation?—Yes. Would you like me to explain why?

3481. No. Who paid for the irrigation system?—The money was borrowed in England at 3½ per cent. in most cases. If it had not been that the British credit was behind it and the British Parliament behind it, that money could never have been borrowed at 3½ per cent.

3482. Ultimately, the final payment comes from India?—Undoubtedly, but the

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landowners of the Punjab benefited by what has been done in the Punjab, to an extent enormously greater than any other interest. The capital value of the land in the Punjab, according to official figures, when we took over the administration in 1849, was something between £3,000,000 and £4,000,000 sterling. Owing to the canals, the railways, the light assessment and the increased security, the capital value of the 30,000,000 acres of land of which we had extended the cultivation when I left the Punjab in 1920, was £750,000,000 sterling. All that accretion accrued, not to the Government interest, which take no more per acre than in 1849, but to the peasant proprietors and the landlords of the Punjab.

3483. In spite of that, my point is that the system is used by the Indian people, and they have paid for it?—Yes, but I say it could not have been done if it had not been for the British Government's guarantee, and the British Services, the engineers and the Revenue officers who were able to carry out schemes of that magnitude and able to associate the people with them in the successful execution of those schemes.

3484. You said just now that the man who pays the piper calls the tune?—Yes, but no other Oriental Government has ever attempted any scheme of this kind.

3485. You say, with the absence of the official element will disappear the only effective means of asserting British influence and British ideals. Has not the time come now when it is time to give free play to Indian ideals in India?—I think you ought to have a partnership of both; an association of both has hitherto worked very well, and I should be very sorry to see the British ideal or the Indian ideal disappear. I do not see why you should not have a synthesis of both.

3486. In the Simon Commission there was a passage, referred to by Major Attlee just now, which says: "All alike are in sympathy with the demand for equal status with the Europeans and proclaim their belief in self-determination for India"?—Yes, I am quite in sympathy with that. I do not want to see the British element from India eliminated, either in the Executive or in the Legislature.

3487. You served in India from 1885 to 1920, did you not?—Yes.

3488. You said, in the olden days the Civil Servant had much more time for

administration and did not have to spend so much time in politics?—Yes.

3489. That is going on, that will continue, anyhow, will it not?—Yes.

3490. You cannot get away from that—that is going on?—Yes. But I think some of the present day successors of ours might give more attention to administration and less to politics.

3491. Like so many of us, are you not harking back to the pre-War world and pre-War conditions, which have passed away for ever?—No, I am harking back to what I am afraid I have dwelt upon with much insistence, the welfare of the people.

3492. You said, in answer to Question 650: "India is like Ireland, the expected never happens." Perhaps your fears may not happen either?—I daresay. The expected rarely happens in any country, I am afraid.

3493. You know there is a famous line of verse: "If hopes are dupes fears may be liars." It may be so in your case?—It may be so. No one would be better pleased if my fears turned out to be unfounded that would be the triumph of hope over experience.

Lord Hutchison of Montrose.

3494. I want to ask you one or two short questions on Law and Order. We know your view on Law and Order, but do you not attach great weight to the statement in the Simon Report on page 47 of the Second Volume, the middle of the page, in which they say unless Law and Order is handed over to the Provinces: "We must face the fact that responsible Government in the Provinces cannot be achieved without this change." That is the view of responsible and very eminent and experienced politicians who go out and study the situation for two years. Would you still put your opinion against that?—I would, for this, among other reasons, that the Simon Commission admit, that, in making their Report, they were not influenced by the conditions which were then going on around them, those conditions being extraordinary communal antagonisms, great bloodshed: since their Report was written, other facts of a similar kind, like the massacre of Cawnpore and the terrible communal outbreaks in various parts of India have occurred, which, if they had occurred before the Simon Commission made their Report, and had been taken cognisance of by them should have

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—I do not say it would have—influenced their decision.

3495. Your fear is that, outside communal troubles, the percentage of British personnel in the Police will get too low, if Law and Order is handed over?—Undoubtedly. The Police in 1885, were a by-word for corruption, and also largely for inefficiency. The force was badly officered by British officers at the time. They were chiefly nominated, and the rank and file and Indian officers were not carefully selected. It took 30 years of steady effort to get a better class of men into the Police, and also to recruit a better type of British officer. By the time I left India, in 1921, the one Department of all others which had been the most open to reproach was the one which had made most progress. Very largely due to the better conditions of service, to the better type of Indian officer we got into it, but mainly to the fact that we had secured a type of British officer who had the confidence of their men and the ability to do their duty.

3496. Would it meet your fear if a guaranteed percentage of British personnel remained in the Police?—I think that is the proposal of the Lee Commission. The Lee Commission looks forward to this (and we accept that throughout) that by 1950 or 1949 half the personnel of the superior Police (what you call the All-India Service), will be British and half Indian. I quite accept that. Some of the best police I met with were Indians. My friend, the Nawab Sahib, who served under me in the Police in the Punjab, was one of the bravest and most capable Police Officers India has produced, and that is saying a great deal.

3497. You prefer an All-India organisation for Police rather than a Provincial organisation?—No; I think in a way it is an All-India responsibility. The Government of India cannot shut its eyes to the work of the Police in any Province, but I think the organisation, the recruitment of the personnel must remain provincial. It is very difficult to get the 187,000 Indian Police from 11 different Provinces into one All-India organisation. They are much more capable of being efficiently handled, subject to All-India direction and control in certain matters, if they are organised Provincially; but the Officers must remain All-India. The cadre of Officers must be All-India.

3498. Do you consider it possible to separate the Police from the Courts; in

other words, to be under separate administrations?—I suppose it would be possible. I do not think it would be desirable, because, if the Police discharge their duties, you cannot have the Police in conflict with the Courts, or *vice versa*. It is very desirable, as they have the same objective, that is, the maintenance of law and order and the prevention of crime, that they should work in harmony, and I think that harmony is likely to be endangered if the two are under separate and perhaps conflicting control.

Viscount Burnham.

3499. I think I am right in inferring from your evidence that you agree with the words used by the Statutory Commission, that in India government is administration?—Undoubtedly. I think that puts it admirably.

3500. You would say, too, that the contentment of the peasant depends more upon good administration than on any other condition?—Yes, undoubtedly, and I think I might add another quotation from the Report. That is: "In administration the man is more than the machine."

3501. Then you would think that we should be right in ensuring by every appropriate safeguard that the standards of administration shall not be let down in the future?—I think so. The Indian people have a right to expect that from us.

3502. May I ask you whether you think that financial stability is the primary condition of good government in India?—Yes, I think without adequate finance you cannot maintain your security services or defence services, or any other.

3503. I should like to quote from the abstract of the Secretary of State's statement to the Conference on the 6th December, 1932, page 58 of the Report of the Third Round Table Conference: "A recent estimate of the position of the Central and Provincial Government shows that the Central budget is likely to balance, but it will only balance as a result of new and heavy taxation. In the case of the Provinces there would be many budgets showing deficiencies at the end of the year and to-day no one can possibly say when these deficiencies will be wiped out"?—Yes.

3504. I am glad to say we have heard from the Secretary of State, since this Committee has been sitting, that there is an improvement in this respect?—Yes.

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[Continued.]

3505. But what have you to say on those financial facts?—I think it would be premature to try to impose any new constitutional scheme involving, as is admitted heavy further expenditure till you have got your financial position sound. I think that is stated in the very abstract from which your Lordship is reading.

3506. You quoted from a speech made quite recently in introducing the Budget by the Financial Member, Sir George Schuster, that there would be a new heavy burden of taxation imposed?—Undoubtedly. When I read that speech for the first time, getting it yesterday from the Indian paper, I was appalled to find that there was such an enormous deficit to be made up by fresh taxation.

3507. You estimate 20 crores?—Twenty crores.

Mr. Butler.

3508. Did I understand you to say—it was merely a question of hearing—that the Income Tax would be halved between the Centre and the Provinces?—I was quoting from Sir George Schuster.

3509. You will notice that the scheme, as set out in the White Paper, is of a rather more complicated nature?—Yes, very much more.

3510. Which does not quite respond to that description?—I do not know which is the earlier—Sir George Schuster's budget remarks, or the White Paper. It is a conflict of authorities.

3510A. On the question of Law and Order, you said the Simon Commission did not fully appreciate the strength of the communal tension and they were not therefore, perhaps, fully possessed of the facts when they recommended the transfer of Law and Order?—I did not mean to put it quite that way. In the conclusion of their Report they say they have shut their eyes to what was going on around them as regards the communal outbreaks, and were not influenced by them. I think they were aware of the communal tension, but the particular manifestations of it which were then so acute and which became so much more acute later, they left out of consideration.

3511. I would direct your attention to pages 252 and 253 of the first volume where they refer particularly to communal antagonism and to page 6 of the second volume, when they say: "The minds of all were fixed on the future. Every community and every interest was thinking of what its position would be under the new Constitution. The result

was to intensify communal rivalries"?—Undoubtedly.

3512. From those two extracts do not you consider that they had given full consideration to this particular aspect?—No, because they say specifically, in making their recommendations, we have shut our eyes to what is going on around us as regards these communal outbreaks. The tendencies they admitted; the manifestations they shut their eyes to. I am sorry I cannot lay my finger on the particular passage, but I know it is in the Report.

3513. Do not you think they have given full consideration to this vital problem in their Report after their tour in India?—No, not to the manifestations of it, and besides some of the worst manifestations occurred after their Report, such as the Cawnpore massacre and the Benares outbreaks.

3514. Were not some of the manifestations which occurred before their visit worse than those which have occurred since?—Much worse after their visit.

3515. In that case, they must have had the opportunity of considering those manifestations?—They themselves say it has not influenced them—I cannot remember the exact passage—in their recommendation in deciding on the transfer of Law and Order. They say: "We have shut our eyes to this." They have gone rather on principle than on what is happening around them.

Mr. Rangaswami Iyenger.

3516. Than on facts?—We will say than to what is happening around them.

Lord Irwin.

3517. Some of the questions I wanted to ask have been put to you by others; therefore, I will spare both myself and you. You say a good deal in your Memorandum about the effects of the operation of centrifugal forces in the Provinces working on Federation and you deduce from that, no doubt very properly, a conclusion of the weakness of the Federation?—Yes. I think all federations are weak as compared with unitary governments and in India, owing to the composition of the proposed Federation, the weakness will be more marked.

3518. You fear as a result of that a Federation being created in present circumstances might possibly lead to a breakaway of the Punjab, Sind and Baluchistan, and so on?—Yes, especially if, before the Federation is formed, those Provinces do not give a willing assent,

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as in the case of the Princes, of their adhesion to it.

3519. If those difficulties are, in the main, as I suppose they are, communal and, you say yourself, economic, the point that puzzles me is this: In what way, in your judgment, would it be easier to overcome those differences if Federation were postponed?—I think if Federation were postponed and the Provinces got working on the degree of Provincial autonomy conferred upon them, you would get a wider sense of responsibility; you would get an appreciation of the advantages of the Provinces combining with one another and with the States in forming a Federal Government, or something approaching to it; that is to say, if the Provinces are willing agents and the States are willing agents, there is more likelihood of their combining for common purposes than if the Provinces on the one side are driven into it without being consulted, while, on the other hand, the Princes are given full liberty to adhere or to remain outside.

3520. Would you agree that, on your assumption of the necessity of, in your phrase, "treating the Provinces as willing agents" and so on, if the events so developed that one Province or two chose to remain out and, as you said to the Archbishop, that that would not necessarily preclude the possibility of Federation, yet would you not admit that the effect of that, if it happened, would be to break up the unity of India which I suppose we might claim, it had been the principal work of the British connection to create?—I think it would be very unfortunate if any one Province did stay out.

3521. It might be I suppose, in your view, that Federation never would be created by that method, might it not?—Not an effective Federation, probably. But, even now, the White Paper scheme contemplates Federation with only half the States coming in—half the population; there you get 40 million of the people of India and about a fifth of the area of India standing out. That is I think a lop-sided arrangement; anything which make a Federation lop-sided is to be deplored, whether it is the standing out of half the States or the standing out of one or two Provinces.

3522. In the event of Federation being indefinitely postponed or perhaps even rendered impossible, in what way would you contemplate that it might become

necessary to deal with the question of responsibility in British India alone?—I think very good and practical suggestions were made in regard to that matter in your lordship's despatch as Viceroy, of the 20th September, 1930, which adumbrated a scheme by which the indefinite control of Parliament over the Government of India should be done away with and definite control of Parliament in certain section and over certain matters should be substituted for it. A very clear scheme was worked out on those lines, I think, on page 203 of the despatch of the Government of India on the 20th September, 1930. It was the Despatch on the Simon Report, and I always thought it was a pity that that had not been followed up.

3523. But, of course, the situation has changed since then, has it not? With regard to your attitude to the Report of the Statutory Commission, you disagree with them, of course, we understand, on the question of Law and Order?—Yes.

3524. You also, I think, disagree with them upon the question of retaining an official bloc in the Provincial Councils?—Yes.

3525. If you kept the official bloc in the Provincial Councils that would be with the object of affording protection to the masses and so on?—Yes, and also to represent English interests in the partnership.

3526. Would you allow the official bloc to vote in the Provincial Councils?—Yes.

3527. You said in Question 998 or thereabouts that you wanted to keep roughly the same proportion as there are at present and you gave the rough answer, that as they had 22 out of 93 now officials in the Punjab, which was the Council you were discussing, you would want somewhere about the same proportion which would be roughly between 30 and 40 out of 175?—Speaking roughly, without going into the figures.

3528. I do not want to tie you to figures. I want to put the rather broader question to you?—Yes.

3529. You are aware that in the proposed composition of the Punjab Provincial Council everything has turned, as we here all know very well to our cost, upon the nice balance of one or two votes in the Council?—Yes.

3530. Supposing you have an official bloc in the Punjab Council of 20, 30, or whatever it is, will you not in fact be

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destroying the responsibility of Ministers, inasmuch as the real responsibility for keeping ministries alive or destroying them will rest not upon the popular element in the Councils so nicely balanced, but will rest upon the Governor's discretion, according to which way he directs the official bloc to vote?—That objection can be raised. It is a natural one, but my reason for maintaining the official bloc is that it is the most effective way of maintaining the British share in the partnership, and that if you maintain the British share in the partnership it is more likely to act in a disinterested and an impartial way, when communal or other sectional questions arise, because it is more detached and therefore it will conduce to stability and in case any one majority has a tendency to oppress a minority the impartial British element would do what was necessary to redress the balance.

3531. I quite appreciate your point. In conclusion, then, it would not be incorrect, would it, to summarize your position by saying that you would not favour a Federation immediately, or, indeed, in any foreseeable near future; that you would withhold Law and Order in the Provinces, and even in the field transferred to the Provinces you would, in fact, destroy responsibility by the retention of the official bloc?—No, I would not call that destroying responsibility because throughout all this scheme my view is that the British Crown and Parliament is one of the parties; that in a partnership all parties have a right to representation; and that this is one way, this official bloc, or at least one of the ways, by which one of the parties to the partnership can be represented, as it is at present, both in the local Legislature and in the All-India Legislature. I do not look upon it purely as an official bloc. I look upon it merely as one means (a better means may be devised) of having the Crown and Parliament represented.

3532. I do not want to put the words into your mouth, but in fact how would you reconcile in practical working, in your view, the retention of the official bloc with what I understood you to favour, namely, the casting of such responsibility upon Provincial Ministries, as would educate them and so on to assume fuller responsibilities, perhaps, later?—I look upon the Provincial Ministry as an organ for giving effect

to and voicing the views of the Legislature, and in that Legislature I hold all three Parties should be represented—that is, the Crown should be represented as well as the various Indian Parties, and that, therefore, the Ministers in acting would be giving effect to the views of the British Crown and Parliament, which is part of the partnership, as well as to those of the various Indian sections, Hindus, Muhammadans and Sikhs involved. I look upon the British Crown and Parliament as a partner throughout.

3533. Whatever the merits of your scheme might be you would perhaps agree that it left alive, not only very little of the White Paper, but also very little of Sir John Simon's Report?—I was never convinced by the arguments in Sir John Simon's Report for an abolition of the official bloc, and if you accept this theory of the partnership, surely it follows that partnership must involve the things that I have indicated.

Marquess of Zetland.] My Lord, might I just put one supplementary question to the question asked by Lord Irwin, before we pass from that point?

Chairman.] If you please.

Marquess of Zetland.]

3534. Would it, in fact, be a practical possibility to depute as many officials as you suggest in the enlarged legislative council to work on the legislative council, and thus take them away from the ordinary administration? Do you think that would be practicable?—The legislative council only sits for six weeks or a couple of months in the year, and it is possible, as it is here in Parliament, for those who represent the Government to combine, and at the same time to discharge their other duties; it is a bit of a strain, but it is done in practice every day in this Parliament and elsewhere.

3535. But we are contemplating Parliaments which will sit for much longer periods and they will be very much larger?—Yes.

3536. Judging from my own experience, I should have thought it would have been an almost practicable impossibility to depute as many officials as you suggest for work on the Legislature?—The greater number of officials that will have to be deputed is owing to the proposed large increase in the numbers of the Legislatures. If you get the numbers reduced all round you would not have so many Muhammadans, so many Sikhs, and so many others.

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Sir Austen Chamberlain.

3537. Sir Michael O'Dwyer, in answer to the Archbishop this morning I understand you to say that in order to strengthen the Central Government, as it at present exists, you would like to relieve it of some part of the control now exercised by the Secretary of State?—Yes.

3538. But you desire, I gather from observations made frequently throughout your evidence, to preserve the control of Parliament?—Yes, the ultimate control.

3539. How is the control of Parliament to be exercised except through the Secretary of State, and what is the Secretary of State, except the instrument of Parliament, for that purpose?—I tried to explain that in my reply to Lord Irwin. His Government's Despatch of the 20th September, 1930, page 203, dealt with this question. It stated that at present the control of Parliament, through the Secretary of State, was indefinite. It said it was desirable to define that control and to limit it to specific objects; it gave a list on page 203 of the report of the specific objects to which the control of the Crown and of Parliament might be limited and exercised under the Secretary of State.

3540. Then the distinction is, not between the Secretary of State and Parliament, but your purpose would be to define the control of both?—Yes.

3541. And, presumably, in defining to limit?—Yes.

3542. But that would equally apply to Parliament as to the Secretary of State?—Quite so; yes.

3543. That is all on that point. I go to a quite different one. You have made abundantly clear that you are opposed to the transfer of the control of the police to the Provincial Governments?—Yes.

3544. Would your objection to transfer be in any way modified if a distinction were made between the ordinary police administration and special measures required to deal with special forms of crime, particularly terrorism, and if the latter were reserved to the Governor-General and the Governors acting as his agents?—I do not think it would be possible to make that distinction in practice; it would be very cumbersome; it would lead to blurred control and responsibility. I think the police, as a whole, must remain under one control. It would be very difficult to distribute their functions in the manner indicated without

causing a certain amount of confusion and, shall I say, bad or defective working.

3545. You do not think, then, that a distinction could be drawn on the lines of distinction drawn in actual practice in Bengal?—I do not know what the distinction is.

3546. The distinction between the special department which deals with terrorist crime and the ordinary police?—That distinction obtains, I think, in every Province. I quite recognize that distinction, but each branch acts in complete, shall I say, liaison with the other. They are not under separate control. They are all, I think, under the Inspector-General of Police. They are all under the local government and are all working in complete harmony. To that extent I see no difficulty.

3547. Such a suggestion as I have put before you does not meet your difficulties in any way?—No.

3548. One further subject. I gathered that you agree that a certain, but small, section of the people are actively interested in the political movement?—Undoubtedly.

3549. And also that you agree that that section is growing?—Yes.

3550. You think, however, that the great mass of the population are still not interested in the political movement, but only in those circumstances which make for the security and welfare of their daily lives?—Yes; you put my view exactly.

3551. I gathered that you inferred from that that, as long as the Government of India preserved this security and cared for this welfare, we had no reason to fear dissatisfaction or discontent or subversive movements among the mass of the population?—No, I think that should be our primary consideration.

3552. You think we need not fear unrest or subversive movements?—No, as long as, at the same time, we go to a reasonable extent in meeting the aspirations of the politically-minded classes.

3553. In other words, the politically-minded class has a large pull one way or another to influence these non-political masses?—Yes.

3554. Generally, perhaps, with an appeal to some religious or communal theme?—Yes; that is the only thing on which you rouse the masses, that you are interfering with their religion or racial or social customs. That is the most potent weapon.

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[Continued.]

3555. Supposing that this political minority were to place themselves definitely in opposition to the spirit of the Government, could you rely upon active support from the masses against them, or would the support be only passive?—I think so. When Gandhi, in 1921 and 1932, started his campaign of Civil Disobedience and his influence over the masses of India was more potent than that of anyone else, or anyone else is ever likely to be, he carried them with him to a great extent. Everyone said it was impossible to bring Gandhi to justice. In 1922, when Lord Reading's Government ordered his arrest, everyone was full of the most terrible apprehensions. He was brought to trial, convicted on his own confession and not a dog barked. The same thing happened in 1932.

3556. I do not think I made my point quite clear to you, Sir Michael. Could you rely upon any active, as opposed to passive, assistance from the masses in such circumstances?—Active assistance in what way? I, myself, have had to rely upon the masses for active assistance in situations of the most critical nature, and I found I was able to receive it. In 1919, and throughout the War in the Punjab we had a very hostile, anti-British campaign partly stirred up from Germany, Turkey and elsewhere. We also had a Sikh revolutionary conspiracy; we also had various Hindu revolutionary bodies. Throughout I appealed to the masses and got their support, very often at the risk of their lives, in meeting these revolutionary conspiracies and their various manifestations. It all depends on how you handle them. The masses are not fools. If they see that you are out for their good, that you mean them no harm, and want them to assist you for the common welfare, they will come forward and do so, that has been my experience.

Marquess of Salisbury.

3557. Sir Michael, you have been asked several questions about the possibility of what would happen if Federation and the new Central responsible Government were postponed?—Yes.

3558. Would not one of the advantages of postponing it be that we should have more time to consider what form the Central Government and the Federation should take; if Provincial Governments were established and were running first?—Undoubtedly; that is one of the advantages, because the Provincial Governments, as well as the States, will then

be able to come to a deliberate conclusion as to what form Federation should take, and to establish something which would be in accordance with their wishes and their aims. Might I illustrate that, my Lord?

3559. If you please?—The great danger is that we may force upon the people of India a system which they will not understand, and which, after a time, they will repudiate. I was once sent down to organise the administration of a native State which was in a condition of economic anarchy. After four years I succeeded in putting it right, with the help of first-rate Indian assistants. At the end of the time, when we had restored confidence and order, the Council of Regency asked me to draft a new Revenue Constitution for the State. I turned round to my Indian assistants who were British trained. I said: "I have not very much time; would you draft this for me?" They drafted it—a Revenue Manual—I looked at it. I shook my head. I said: "I will consult some of the Members of the Council of Regency." I showed it to them. They said: "This is first rate. It is all borrowed from British India. It is the best stuff you can give us; but," they said, "when your back is turned every official here will have his knife into that production and they will not be happy until they have got rid of it. You have got to put it into another form." I went back to my Indian assistants and said: "I have been wrong; you have been wrong. In the records of this State, which have gone on for 200 years, you will find forgotten counsels of perfection dealing with all matters which we have at heart for the proper administration of the State." I said: "Let us pick out what is suitable for our purpose. You will find nearly everything you want. Let us prepare a Manual based, not upon what we think is right for the people of the State, but upon what their own previous Maharajahs have thought was right." We did that; we amplified it and improved it in some points and we presented it to the Council of Regency. "Oh," they said, "this is something of our own. This is what our Maharajahs have ordered," and they accepted it at once. The result was that that remained, whereas if we had adopted the first method of trying to establish a British system of revenue administration in that State, it would have lasted while we were there and would have gone in a couple of years owing to

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the antagonism of the people, who would have said: "This is something imported."

3560. And you draw the inference from that most interesting account that it is not necessarily wise to draft the Central Government upon purely Western ideas?—I think it would be most unwise.

3561. You might even go so far as to say that one of the faults in the White Paper is that it seems to have forgotten what the oriental mind would want and to work purely on Western lines?—Yes; that would be my criticism of it. Another reason is this, that in three Round Table Conferences you had some of the best intellects of India and of England, but there were three forms of advice which you were almost entirely debarred from; that is, the practical soldier with knowledge of Indian defence; the practical administrator with knowledge of workaday administration in India; and the practical financier with knowledge of Indian finance. You had one or two Governors, like Lord Zetland, at the first and second Round Table Conferences, who, with all deference to his very great ability, did not make up for the practical, every day knowledge of practical Indian administrators which you required. That is why I think the White Paper and the Round Table Conferences went too far into the realms of theory and abandoned the region of practice.

3562. You draw the inference that if there were a substantial delay between the establishment of Provincial autonomy and the ultimate form of Federation, that might be for the great advantage of the Indian people?—Yes, and I think much more likely to conduce to a stable and effective form of Federation, if Federation is at all realisable.

Lord Hardinge of Penshurst.

3563. In your opinion, would that delay be advantageous also as regards

the States coming into the Federation: that they would know better where they were and would give them time to consult among themselves?—Undoubtedly. The States are seriously concerned over this White Paper; the more time they have for deliberation the better. In my experience of 20 years of native States, the one thing they resent above all others is to be compelled to take a hasty decision.

Dr. Ambedkar.

3564. My Lord Chairman, before Sir Michael O'Dwyer leaves, may I point out one fact? Sir Michael, in answer to a question put by Mr. Butler, made the point that the Simon Commission made the recommendation with regard to the Transfer of Law and Order; it is Volume II of the Simon Commission Report, paragraph 369. This is the paragraph you had in mind, was it not: "In writing this Report we have made no allusion to the events of the last few months in India"?—Yes, that is it.

3564A. But I should like to point out to you that most of us understood by the events referred to here, the events of the Non-Co-operation Movement by Gandhi and certainly not the communal riots that took place in India, such as at Cawnpore.

Viscount Burnham.] I said that had reference to the communal riots.

Witness.] I understood it in the sense I mentioned, that they did not take cognisance of the Civil Disobedience Campaign, or the communal riots which were the result of it.

Chairman.

3565. We are very greatly indebted to you, Sir Michael, for the time you have given to the Committee, and for the way you have given your evidence.—I am very grateful to the Committee for having listened to me so patiently.

(The Witness is directed to withdraw.)

Sir LOUIS STUART, C.I.E., is called in and examined as follows:—

Chairman.

3566. Sir Louis Stuart, you were a member of the Indian Civil Service from 1891 to 1930?—Yes.

3567. You were Judge in the High Court at Allahabad, Chief Judge in

Oudh, and a member of the Civil Justice Committee in 1924?—Yes.

3568. You hand in a Memorandum of your evidence?—A precis. It is as follows:—

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MEMORANDUM 18. SIR LOUIS STUART, C.I.E.

(*Indian Civil Service 1891-1930. Judge High Court Allahabad. Chief Judge Oudh, Member Civil Justice Committee, 1924.*)

(a) CONDUCT OF ELECTIONS UNDER PROPOSED SCHEME.

Experience of difficulties in obtaining reliable returning officers under present system. How will it be feasible to obtain sufficient reliable returning officers with an electorate increased five-fold? Evidence as to difficulty in preserving secrecy of the ballot in India.

(b) LAW COURTS AND POLICE.

(i) *Civil Courts.*

Over two million regular suits instituted annually in regular Civil Courts in India. Three-quarters of a million suits instituted under special rent and revenue jurisdiction. Two hundred thousand suits instituted in honorary Courts.

Constitution of regular Civil Courts of original jurisdiction.—These are mainly the Courts Munsifs, and Subordinate Judges. The lowest Courts—those of Munsifs—have powers greater than those of English County Court Judges. The Courts of Subordinate Judges have unlimited jurisdiction in practically all matters, and have powers equivalent to those of Judges of the King's Bench and Chancery Judges combined, as there is no separation of Equity Courts in India. More than nine-tenths of the suits instituted are of a valuation of less than £37 10s., and, as in England, the mass of the work is concerned with debt-collecting. There remains a substantial residue of some 200,000 to 300,000 suits a year, in which there is contest—usually severe—and in which an element of bitterness frequently is present. Classified broadly but not exhaustively, contested work is in respect of money relief, price of goods sold and delivered, negotiable instruments, breach of contract, enforcement of contract, damages on tort or otherwise, possession of immovable property on title or succession under the personal law or otherwise—this introduces the vast field of Hindu, Muhammadan and other personal law with ramifications into the law of marriage, divorce and other branches, and with the law of custom superadded, divorce, etc.—specific relief, mortgages—many more suits of greater complexity than in England—purely matrimonial suits, disputes

as to flow of water, other suits as to easements, and so on.

Appointment of Judges.—The usual practice throughout India is to appoint to the lowest grade from the junior members of the legal profession who have to be under twenty-eight years of age at the time of appointment. Those selected have ordinarily had very little practice. Appointments are made by the Superior Courts on a system partly of examination results and partly of selection.

Number of such Judges.—I have not been able to obtain the material to give exact figures. But I can give nearly exact figures for my own Province (United Provinces of Agra and Oudh). There were 199 Subordinate Judges and Munsifs in that Province when I left India in 1930. There must be from 1,200 to 1,500 or more officers holding similar posts in the whole of India. There are 54 County Court Judges in the whole of England and Wales.

Promotion and Prospects.—A Munsif is appointed on £225 a year, which rises by increments. In course of time he becomes a Subordinate Judge. If his work is satisfactory—it usually is—he will end in the ordinary course on £765 a year.

But there are special appointments to which he can rise. In 1930 there were in the United Provinces twenty-one superior posts held by officers who had been promoted from the Subordinate Judges:

High Court Judge, Allahabad	1
Chief Court Judge, Lucknow	1
District and Sessions Judges	9
Sessions and Subordinate Judges	4
Subordinate Judges in Selection Grade	6
	—
	21

In England it is practically unknown for a County Court Judge to be promoted. In India it is the usual practice to promote from the lower to the higher grades. The salary of a High Court Judge is £3,600 a year. This is an old practice. Sir Pramoda Charan Banarji who commenced as a Munsif was promoted a High Court Judge in 1893.

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While increase of salary by increments proceeds automatically and promotion from Munsif to Subordinate Judge is made by the Superior Court (High Court or Chief Court as the case may be), promotion to the higher posts requires the sanction of the Executive Government. The Superior Court recommends. The Government appoints. Here a drastic change in conditions will come in under the new system. In the past the promotion to higher posts has been in the hands of those unaffected by political considerations. In the future it will be in the hands of a politician dependent on a party vote.

Transfers.—In England the question of transfers of judicial officers hardly ever arise. In India it is the rule. Few judicial officers remain in the same place for more than three years if as long. The stations vary in attractiveness. Some are pleasant. Some are unpleasant, being lonely or unhealthy or both. Transfers of some of the senior judicial officers are made by the Executive Government.

Administration of Justice. — The greatest danger in the administration of justice in the Indian Courts is from attempts to influence decisions by the exercise of personal influence. These attempts in some places take the form of offers of money. In the past there was an appreciable amount of corruption. When I went to the United Provinces in 1891 there was undoubtedly a good deal of corruption in the Civil Courts. There has been a steady and marked improvement in this respect, and instances of corruption are now very rare. I can give, if required, evidence as to its absence or presence in other Provinces. I do not, however, stress this aspect. But I stress strongly the attempts made to affect decisions by the use of influence directed to induce the officers to oblige a friend or a friend's friend, and I wish to enlarge on this in my evidence. I am glad to say that these attempts are usually unsuccessful as the standard of probity is high. But at present the Judge has nothing to fear if he resists these attempts. He has rather to fear, if he does not resist them, for the fact that he has allowed his decisions to be affected by personal considerations, if discovered, will under the present system operate against his selection for higher appointments or lead to a more serious result. But I have misgivings as to

what will happen if his promotion depends on the decision of a Minister responsible to a party and dependent on a party vote. I wish to explain my misgivings and enlarge on them in my evidence.

(ii) *Criminal Courts.*

Excluding the Courts of Honorary Magistrates there are thousands of Courts of stipendiary Magistrates in India. Magistrates of the First Class have greater powers than Magistrates in England. They have jurisdiction to dispose of cases of burglary and other offences which in England are not triable by Magistrates, and have powers to sentence up to two years' imprisonment. More serious offences are decided by Assistant Sessions Judges and Sessions Judges. Sessions Judges have as extensive powers as Judges of the King's Bench except that sentences of death passed by them are subject to confirmation by the High Court or Chief Court. The Criminal Law enters into the lives of the people in India to an extent which it is difficult for an Englishman to realise. I wish to enlarge on this in my evidence. The Magistracy on the whole are good, not in my opinion as good as the Judges of the Civil Courts, but still good and much better than they were formerly. They are appointed by examination and selection rather younger than the Judges of the Civil Courts and are not necessarily taken from members of the legal profession. Their salaries are much the same as those of Munsifs and Subordinate Judges, and they can be promoted to higher appointments. At present their transfers and promotion are in the hands of authorities who are not dependent on a party vote. In future they will be in the hands of a Minister who is dependent on a party vote. I wish to enlarge in my evidence as to what the consequences very well may be, giving illustrations in support.

(iii) *Police.*

Before I became a Judge I was a Magistrate, and in both capacities have a fairly intimate knowledge of Police work in the United Provinces. In addition I was in 1910-1912 in charge of the Police Department as Secretary to the Local Government. I wish to enlarge in my evidence on what I apprehend will be the effects on the prevention, detection, and prosecution of crime, if the Police, as proposed, are placed under

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the control of a Minister dependent on a party vote.

(iv) *Appointment of Special Criminal Courts and Special Prosecutions.*

I wish to give evidence shortly as to difficulties which will arise under the new system under this head illustrating my views by reference to incidents which have happened in the past.

(c) *PROPOSED CONCURRENT LEGISLATIVE POWERS.*

I wish to give evidence as to the proposals contained in List III, p. 119, Cmd. 426.

3569. Do you desire to expand that, or to make any corrections in it at this stage?—I did not understand it was to be a complete Memorandum; it is only a precis, and I am afraid there are some additions I should have to make to it, as, for example, on the very first point of the question of the conduct of the elections.

3570. You will know best. What I should suggest would be that you should supply us with a more complete Memorandum if you think that necessary after your evidence has been heard to-day, and provided that did not contain any new points probably the examination to-day would cover it?—There are no new points I wish to raise, but you observe I have said: "Experience of difficulties in obtaining reliable returning officers." I was merely going to give what those difficulties are.

3571. Would you like to make a statement about that at the commencement of our proceedings now, and then you can be examined upon it?—If you would allow me to.

3572. Certainly?—At the last election I was called upon as Chief Judge of Oudh to place the services of the 20 Subordinate Judges and the 41 Munsifs who serve in Oudh at the disposal of the Government as returning officers. This necessitated the complete dislocation of the work of the Courts for a week, and the public were unable to get on with their work, because my men were working as returning officers. I wrote to Government and suggested that they should not be employed for that purpose and suggested that independent unofficial gentlemen, such as members of the Municipality, District Boards, leading lawyers and the like, should be employed as returning officers. I was told that they were not

considered suitable, but that only Government officials were considered suitable. I wish to point out that we exhausted practically every Government servant as a returning officer, and then there were only just enough. If you are going to raise the number of returning officers to five times what it was before I wonder where you are going to get the other four-fifths, because all the Government officials were already exhausted.

Marquess of Salisbury.

3573. Why do you say five times?—Because I understood the electorate were to be raised from 7,000,000 to 35,000,000, and that the number of electors per booth was to remain at 1,000, which is about the present figure.

Marquess of Salisbury.] Can the Under-Secretary tell us whether that is intended by the White Paper?

Mr. Butler.] On page 14 of the Franchise Committee Report, paragraph 25, it says: "The basic figure for the purpose of calculation is that one presiding officer, assisted by two clerks . . . can deal with a maximum of 1,000 registered electors per day." If you were to increase the number of clerks it is possible to increase the number of registered electors, but that is the figure given for one presiding officer and two polling clerks, and that was a calculation arrived at after very careful consideration and hearing witnesses all over India by the Franchise Committee.

Marquess of Lothian.] May I add, merely for information, I think in nearly every case the Franchise Committee inquired of the Local Government what number of officers they thought could be made available as polling or presiding officers, and our calculations were based on the returns given by Local Governments as to the number that would be available.

Marquess of Salisbury.

3574. I understood you to say that upon the methods adopted the whole of your judicial staff was employed?—The whole of my superior officers were employed, and, as I was rather keen that our own work should get through, I considered this unfortunate. It meant that the whole of the work of the public was held up for a week.

3575. Then you went on to say that if the electorate were increased, as it is proposed to be increased, that would put a still greater strain upon your resources?—It could not put a greater

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[Continued.]

strain upon them, because they were exhausted already, but what I could not understand was this. It appeared to me that returning officers in India would be, as in England, not officials at all, and when I put that suggestion to the Local Government I was told that in their opinion they must be officials. I expressed no opinion myself. I am in no position to know whether non-officials make good returning officers or not. In fact I suggested that they would.

Mr. Butler.

3576. May I refer to the Franchise Committee Report, paragraph 23, where the adjacent district to that which Sir Louis mentioned, the district of Agra, is instanced, and we are told that 220 suitable officers could temporarily be taken from their normal work and appointed as presiding officers; and dealing with the dislocation of work. It says on the other side of the page: "It is not possible to use all the officers in these cadres, as executive staffs cannot be wholly denuded even on a public holiday . . . and a deduction must be made for officers who are ill or on leave." and it comes to the conclusion, if you turn to paragraph 31, and take the whole of India, after taking evidence from all the Local Governments, that it is possible to poll a given number of electors according to administrative feasibility, and according to the number of presiding officers and the number of police required, and I think that calculation is one that has been scientifically worked out?—Do you refer to the district of Agra as the adjoining district? I was referring to the Province of Oudh which contains 12 districts, and there is such a thing as the province of Agra and the district of Agra. Which was the reference?

3577. I stand corrected as regards the terms. The adjoining province of Agra?—I do not quite follow. Are there to be 220 returning officers for the 36 districts in Agra?

3578. There is some confusion as regards the terms. I am taking the district of Agra which would be in charge of a Deputy Commissioner?—I am referring to the 12 districts of Oudh. Every district in Oudh is as large as the one district of Agra, so the province of Oudh is 12 times as large as the district of Agra.

3579. I think the point from the point of view of polling is that the district is the unit which is taken, and if I have quoted here the district of Agra it is to

show that within that polling district it is possible to find sufficient returning officers in a typical district of India?—All officials.

3580. All those are officials?—I really gave the suggestion for what it is worth. I have nothing to add to it.

Chairman.

3581. I take it that concludes the extent to which you desire to enlarge on that particular point?—I think it would be taking up your time if I enlarged upon it any further.

3582. You must judge. Would you like at this stage to enlarge a little upon any other point, so that we might examine you on the Memorandum?—If you would allow me I would like very shortly to enlarge upon my major point as to the difficulties that will attend the new system if the control of the Courts is handed over to a Minister responsible to a popular vote, and, as there seems to have been a little misapprehension on other occasions as to what this objection means, I should wish to say that it is not my suggestion that an Indian is not capable of controlling the administration of the Courts. I do not suggest that for one moment. In my own province of Agra there was when I left an Indian nobleman who, as Executive Councillor, was in charge of the Courts, and certainly his administration was not open to any adverse criticism. Further, I do not suggest for a moment that an Indian Minister would not be as competent as an Indian Member of the Council. It is not the man I am referring to. It is not the capacity of the man, but my suggestion is that if such a Minister is dependent on a popular vote for retaining his place, it will be possible, in fact, it will be probable, that political pressure may be put on him in the administration of his duties. He may, and I hope would, rise superior to that pressure. Further, I would suggest from my knowledge of the Courts, that a similar political pressure might, and probably will, be put on the presiding officers of the Courts, and further that they may be apprehensive, possibly without any justification, but still will be apprehensive, that their future may depend upon their attitude towards that pressure. The feeling may be completely unfounded, but I am certain that it will exist, and I am certain that, if these possible and probable events take place, the result will be a deterioration in the

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[Continued.]

administration of justice, because the presiding officers will lose some of their independence, and will be more likely to look at the prospects of what may happen to themselves rather than at the merits of the case. If I might be allowed, I would like to stress one point, which is our peculiar system of promotion in India. Of course in England there is nothing like it. You do not appoint a man to any post quite as lowly paid as a Munsif is in India, and the prospects of an Indian may be that he will end up as a High Court Judge. I have given the figures for my own province showing that there are 199 men, you might call them the rank and file, and there are 21 men who rise to the heights, and every one of those 199 men has a hope that he one day will rise to the heights. I do not see how that system can be altered very much in India, and we have it then that there is the man dependent on somebody else's selection for his promotion. The exercise of personal influence in India on Judges and Magistrates is, I am afraid, very well known to all of us. I have had attempt made on myself, if you would like to hear them, to show that this is no idle idea. I have had quite deliberate attempts made by men coming to me in the guise of friendship who have endeavoured to affect my judgments, and, if that is the case with a Member of the Indian Civil Service, it clearly will be the case with any Member of the Provincial Civil Service. In fact, my subordinate Judges and Munsifs have frequently referred to the question themselves. If you will take this now, it refers to certain special and rather peculiar points: It will be surprising perhaps even to some of the Indian gentlemen here, certainly to most of the English gentlemen, to know how many people of position in India occasionally lapse into crime—men of position and influence. Men of position and influence in India occasionally lapse into crime, and I wish very shortly to give you some illustrations of that. In the Fyzabad district there is a very large estate of the Ajodhia Taluka. It contains 637 villages. I cannot give you the average population of a village; call it roughly 1,000. You may say that estate contains more than half a million people, and I suppose under the new franchise would return some 10,000 voters. That estate is at present owned by a minor, but the two widows of the late Maharajah are

or were, at the time I am speaking of, a few years ago, still alive, and one of them had a nephew Jagjit Singh Bahadur. I think it is better to give names. Jagjit Singh Bahadur was a landed proprietor in his own right. He was considered to be a gentleman. He was a gentleman by birth, and his position was so good that he was an honorary member of the Mess of a British Regiment. Excuse these details, but these details have a point. Jagjit Singh Bahadur was caught as the ringleader of a gang of dacoits—armed robbers who had committed between 15 and 20 armed robberies in the Fyzabad district, accompanied sometimes by torture, and sometimes by loss of life. He has since been convicted and sentenced to imprisonment for life, and is now in jail. I want to point out that with a man of that kind holding such a very large position, and holding a considerable political influence, it will be a much harder matter in the future than it has been in the past to prosecute him, and bring him to justice. I have further in my recollection two Chairmen of District Boards, a position that corresponds to something of the nature of a Chairman of a County Council. They were both of them Indian lawyers. One of them was convicted of a particularly mean fraud and sentenced to three years' imprisonment. The other was convicted of perjury and sent to six months' imprisonment. Both of them were men who had a large political influence in their own places. I bring out these facts because I think it is necessary to bring them out and because I observe that neither before the Simon Commission nor before the Round Table Conferences did there appear to be any reference made to facts of this nature which I suggest may somewhat complicate the action of the police and the law courts in the future. Now there is the question of the special prosecutions and special courts. The question of special courts will not arise very much in the future, but the question of special prosecutions must arise. One of the cases that I have in mind was a case that occurred in 1918; it must be familiar to many gentlemen present.

Marquess of Salisbury.

3583. What is a special prosecution?—Where the Crown has to put down certain funds to provide for a special investigation and a special counsel to prosecute, on account of the difficulty of the case.

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[Continued.]

Ordinary prosecutions would be left to the District Police and in a district to a gentleman known as the Government Pleader; but in very big cases you have to go much farther than that. Now this was a case which created a very great stir at that time in India, though not very much in England. In the town of Hardwar are a large number of temples and some very important Hindu holy men. Outside Hardwar there were certain villages occupied by poor Muhammadans and it was an unfortunate fact that the existence of these villages was considered rather a blot on the landscape by the holy men of Hardwar. One day the holy men of Hardwar assisted by others, attacked those villages and murdered some 30 of the inhabitants. Some of them were burned alive. The case was considered to be of such importance that Government appointed a special tribunal to try it, consisting of one High Court Judge, one leading barrister and an Indian gentleman, a Parsee gentleman, who was a Sessions Judge and a Member of the Civil Service. A very expensive and elaborate investigation had to be made and expensive counsel had to be employed. The result was that some of these people were convicted and there was a feeling among the Muhammadans that justice had been done. Now I suggest that with a Hindu Ministry it would not be easy to obtain the consent of the Hindu party to vote special funds for the prosecution of eminently holy Hindu men for the murder of low class Muhammadans. I do not suggest for a moment that many of the Hindu gentlemen, for whom I have the greatest respect, would not in their heart of hearts desire to have one of those prosecutions. Many of my friends would rise quite superior to the religious question; but would they carry their party with them? That is the question. Now, the next case that I am going to refer to, and your Lordship will be pleased to know that this is the last, was a case that occurred in the year 1925, when a train was held up close to Lucknow outside a station called Kakori; it was held up by armed men. There was firing up and down the train. An unfortunate passenger who got in the way of a bullet of a dacoit was shot dead. A very elaborate and most expensive police investigation took place. The best brains in the police were put on that investigation and it was discovered that this dacoity was the work of a gang of revolutionaries, who were proved to have

committed three other outrages, in each one of which a man had been killed, and in some of which the most cruel forms of torture had been employed. In one case an unfortunate man had a piece of oiled cloth tied between his legs and set fire to to make him disclose where his money was. I am dwelling upon these unpleasant incidents so that the very peculiar matters I am going to refer to next may be realized. The head of this gang of revolutionary dacoits, who has since been convicted and hanged, had as one of his most intimate friends a Member of the Legislative Council. At the time he was arrested the member at once sent a telegram to the Press complaining of the arrest of what he called his innocent friend, who, he said, had been charged in a false case simply and solely because he was engaged in political activities. As the man was subsequently convicted and applied to the Privy Council for permission to appeal against his conviction, his application being dismissed, it may be taken that he was not innocent; also in that case there was another man who was sub-editor of a Cawnpore paper called the "Pratab", I think it was. The Editor of that paper was called Ganesh Shankar Vidyarthi, now dead, who was a Member of the Legislative Council of Cawnpore City. The point I wish to lay before the Committee is this: Would not it be very difficult to procure the special funds that were necessary for the prosecutions of these miscreants, when we have it that many of them were intimate friends of Members of the Legislative Council who would have had to vote on the question of those funds? I thought it best to bring these facts before the Committee as they might possibly not know them, if I had not stated them. My Lord Chairman, may I just add one point at the end of my statement?

Chairman.

3584. If you please?—I am talking about the proposed concurrent Legislative powers. I wish to be very, very short on this. I have not been able to discover—it may be my own fault—in what particular part of the Round Table Conferences this question was discussed; but I discovered, on looking at List 3, at page 119, that it is apparently contemplated that various provinces should be allowed to have variations in the criminal and the civil law, including such portions of the law as mortgages, leases, and the like, and that we may find that

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in the eleven provinces (I think that is to be the new number in India) there may be divergences of criminal and all sorts of other laws, which to a man who has passed most of his time in the Courts seems to me a somewhat startling proposal. I do not wish to touch upon it, except to know that I am sure I can leave it to the Committee to examine the question further for themselves.

3585. Are those all the points which you desire to expand at this time, Sir Louis?—Yes, those are all the points.

Earl Winterton.

3586. I would like to ask Sir Louis one or two questions. Sir Louis, you are submitting your evidence to the Committee in your personal capacity and not as representing any organisation outside?—I am giving my evidence completely in my personal capacity and representing nothing.

3587. With regard to the cases which you have been citing and which came under your personal notice, I understood the import of your evidence was to show that there was a large amount of serious crime in the part of India with which you are acquainted and that some of that crime affected, indirectly, Members of the Legislature?—That was not exactly it; I am afraid I must have put it badly. I stated the cases which had occurred in my own Province, but I do not suggest that my own Province is any more criminal than any other Province. To the best of my knowledge and belief, it is certainly not as criminal as at least two others, and I was not referring to the Members of the Legislature only, but to people who had, what I would call, a political pull.

3588. I was not suggesting that you were referring to your Province only. I was only really asking you what was the import of your evidence. You quoted a number of cases of very serious revolutionary crime in India. I was asking what your purpose was in citing those cases to us?—My purpose was that in every one of these cases the people convicted had a political pull, and at present the fact that they had a political pull could not do them the slightest good, but my suggestion was that in the future it might.

3589. Do you suggest that India is the only country where criminals have a political pull?—No, I do not, but I know that where there is a political pull justice has gone to the bad.

3590. You would no doubt agree from your high judicial experience that it is sometimes rather difficult to bring home to the satisfaction of a judge and jury that there has been, in fact, such a pull when a pull has been suspected?—As far as my knowledge of the English Courts is concerned, I have never known a political pull ever affect a Court; but my knowledge is limited.

3591. I understand you have also said that you have never known it affect an Indian Court at present?—It cannot affect an Indian Court at present, because a political pull cannot affect the judges' promotion.

3592. Your fear is that it will do so in the future?—That is my fear. I hope it is an unfounded one.

3593. Upon what is it founded?—It is founded upon a very close observation of India, extending over the last 38 years.

3594. You think that there is something inherent in the Indian character that will make this deplorable state of things occur?—I think it will be very undesirable to introduce the element into India. It certainly has had very poor effects in other countries. I do not think it is anything to do with the Asiatic. I am afraid the feeling is universal, if a man's promotion depends upon obliging somebody with a political pull; it is a weakness in the system. The great point is that his promotion should not depend upon his obliging anybody.

Mr. Cocks.

3595. You have heard, Sir Louis, of gentlemen in England being convicted in the Courts who have been friends of Members of the House of Commons?—Yes, but I have not heard that the promotion of judges in England had anything whatever to do with politics. I say their promotion; I do not say their appointment.

3596. You have heard, even, of Members of Parliament being convicted?—Ex-Members of Parliament.

3597. You refer in your Memorandum to the high standard of probity amongst Indian judges?—Yes.

3598. Why should you suggest that the standard would be lower if the scheme of the White Paper were put into force?—Because it will introduce political influence into their work. At present there is no political influence in their work at all.

3599. What would you suggest should be done?—I should not allow political

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influence to enter into their promotions. How you are going to get over that question it is hardly for me to suggest, but one way of doing it would be to leave the power of promotion entirely to the High Courts and remove it from the Minister.

3600. That is the alternative?—It is not my alternative; I should leave it to the Committee to find their own alternative.

Mr. Morgan Jones.

3601. I only ask one question and it is this: Does the Witness realise that there is any difference at all in the character of the Englishman and the character of the Indian, as a judge?—I have never thought of trying to classify my judges by their nationality; I always try to classify them by their characters.

3602. Is there any difference between the character of an English judge and the character of an Indian judge?—I do not think I could possibly apply such a criterion. I have known very good Indian judges, and I have known very good English judges. I have known inferior judges, both Indian and English.

3603. Then, I take it, broadly speaking, there is no difference?—Well, I always think there is bound to be a difference, is there not? There is a bit of difference between a Frenchman and an Englishman, is there not? It is not a question of probity. I have got a very high opinion of the probity of the Indian judges. It is not a question of intellect. My late friend, who was promoted, had one of the finest intellects I ever came across.

3604. I am on the question of probity. Broadly speaking, do I take it from you that the probity of the Indian judge may be relied upon just as much as the probity of the English judge?—Broadly, generally speaking, and confining myself to my own Province of Allahabad, yes, but only talking about the men I know, and not about the men I do not know.

3605. May I ask you this next question, therefore? You will know that in our own country, in point of fact, we do from time to time promote Englishmen, who happen to have been politicians, to the Judicial Bench, but it is our great pride here that once they are so promoted, they apply themselves, without distinction of Party, to their task as judges?—Yes.

3606. Do you suggest that if an Indian politician were so promoted, *ipso facto*

he would follow a different course?—I am afraid I cannot answer that question as it stands, because I take exception to the word “promote.” As far as I know, judges in England are never promoted. If a man is appointed a County Court judge, he remains a County Court judge for ever. I believe there has been one exception in the last 30 years.

Sir Austen Chamberlain.

3607. If a man is appointed a puisne judge?—In India a man can be promoted from County Court judge to puisne judge, so to speak, and that is, as I tried to make clear in my note the general practice and that is what differentiates the system so absolutely from the English system.

Mr. Morgan Jones.

3608. I am not concerned much whether he is promoted from one degree to another?—I am afraid that is what I was concerned with; it goes to the whole root of the question.

3609. Will you please follow my question?—Certainly.

3610. Whether a person is appointed or promoted, whatever the word may be—when an Englishman is appointed as a judge, though he was previously a politician, he may be relied upon to interpret the law fairly?—Yes.

3611. Do you suggest that when an Indian is appointed to the Judicial Bench, you suspect he will not apply the law fairly? Is that your point?—No, that is not my point. Again I am sorry, Mr. Morgan Jones, I am afraid we do not quite understand one another. You are referring to appointment to the Judicial Bench. If you mean appointed to such a post as the King's Bench, that would compare with appointment to the High Court in India and I certainly see no reason to suppose that, when an Indian barrister who has been a politician is appointed directly to the High Court, there would be any reason to fear for his probity. But I am talking of the man who enters the Service on £250 a year, and may rise to £3,500 a year, if he plays his cards well. I am not talking of the man who is appointed at £3,500 a year direct.

Sir A. P. Patro.

3612. Will you tell me whether you are aware that the portfolio of law, and the administration of justice is now in the hands of Indian Members of the Council?

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—I endeavoured to say that at the beginning of my remarks when I referred to the present Member of the Council who holds it in the United Provinces. My point was that he is in no way dependent on a Party vote. I consider that an Indian can be absolutely qualified to hold that position.

3613. You are aware that the Legislature can cut down, from time to time, his demand during the Budget Debate?—That does not make the Councillor dependent on a Party vote.

3614. To-day the Party in power in a Council can cut down his demand during the Budget Debate?—They cannot turn him out of office by cutting down his pay.

3615. They can make it practically useless or cut down his demand?—In so far as it is a reserved subject they cannot.

Dr. N. M. Joshi.

3616. Is it not the fact that the promotions in the Judicial Service are made on the recommendations of the High Court?—I stated that in my Memorandum in these words: "The Superior Court recommends. The Government appoints." The Government need not accept the recommendation unless it wishes, and does not always do so.

Lieut.-Colonel Sir H. Gidney.

3617. Sir Louis, you just now stated that the promotion of the Munsif to his higher position should be left in the hands of the High Court?—It is pretty well left already; I think I must have put that badly. What I suggested was that the promotion of a Subordinate Judge to Assistant Sessions Judge or Sessions Judge should be left in the hands of the High Court. At present a Munsif is usually promoted to a Subordinate Judge on the recommendation of the High Court. I have never known the Government to interfere in such appointments.

3618. Have you any reason to fear that in the new order this promotion will be taken from the High Court and placed in the hands of Ministers?—I do not know what the arrangements will be. There are no details in the White Paper on the point. It is not stated. I was thinking of the higher appointments.

Sir Tej Bahadur Sapru.

3619. May I ask you just two or three questions which probably you will be best able to answer?—I shall be delighted, Sir Tej.

3620. You talked of Jagjit Singh Bahadur. I believe at one time you had a very high opinion of the Taluqdars as a body, and of their social virtues and their character?—I should prefer to give a guarded answer to that. I do not think it arises out of my evidence.

3621. Am I right in assuming that according to your view Jagjit Singh Bahadur was a type of the ordinary Taluqdar in Oudh?—He was not a solitary exception.

3622. Will you please tell the Committee, according to your knowledge of the Oudh character (and you were dealing with those cases every day of your life), what is the number of Taluqdars according to the Oudh Statute?—It is rather unfair to spring a thing like this on me three years after I retired; about 200 at present. A lot of them have died out.

3623. Out of the 200 statutory Taluqdars how many cases during the ten years you were there came up to you in which men of the type of Jagjit Singh Bahadur figured as the head of gangs of robbers?—As the heads of gangs of robbers I do not know that I can remember more than about three. I remember, for example, there was a head of a religious endowment at Fyzabad who was the leader of a gang of robbers. He was a very holy man. But I was not referring so much to the men who had estates, as to men of position. I mentioned that Jagjit Singh Bahadur was a member of a Taluqdar family; he was not one himself. The position would have been just as bad if he had only been a Zamindar, or like another gentleman who was convicted of revolutionary conspiracy, who was the son of an engineer on the railway.

3624. You mentioned this affair at Kartapur where some holy men massacred some people and a special tribunal was appointed?—You remember it.

3625. Was that special tribunal appointed during the war time, or in ordinary times?—I cannot remember when it was appointed, but it was appointed during war time, or closely afterwards.

3626. Would you be surprised if it was appointed under the Defence of India Act?—I would not be interested. I happened to mention it. The question of special tribunals is not likely to arise in future.

3627. It is a very minor question in judicial administration—special tribunals?—It has never come my way much.

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3628. Another question: Will you please tell the Committee whether it is not a fact that, so far as the judicial administration, both in Oudh and the Province of Agra, is concerned, it leaves a considerable profit to the United Provinces. It is a very paying Department?—Do you mean to say that the income from Stamp Revenue on cases—

3629. Yes?—I should have said that there was a profit on it, but the Government always maintain that we never take in the factors on the other side. I would not like to generalise on a question like that.

3630. And you, as a Chief Judge of Oudh, and a Judge of the High Court at Allahabad, have been wanting new buildings, additions and improvements in the judicial Department which you have not been able to get, while the administration of justice has been in the hands of an official Minister?—I admit as an unfortunate fact that I have been fighting all my life to get better treatment and better buildings for my Judges, and I was always told that there was financial stringency.

3631. You have not been able to achieve anything out of the present form of Government?—Yes, I have achieved something, but not as much as I should like.

Mr M. R. Jayaker.

3632. I gather from your comments that you think it would be dangerous to give to the provinces the power of passing laws about things like mortgages, and things of that kind?—I did not say dangerous.

3633. You disapprove of that power?—I think it is inconvenient. This is a question I would like to leave to lawyers better qualified than myself. I have always been given to understand that in the United States of America the fact that various States have been allowed to legislate in some questions has led to inextricable confusion and very great inconvenience to the people, and I was really putting forward, I hope not impertinently, the suggestion that the present Committee might give their minds to that point, but I have not sufficient knowledge on the subject to venture to advise them.

3634. Do you share the view which is taken by a very large number of people in British India, that the solidarity which has been achieved by a hundred years of British rule by having common

notions about bankruptcy and Civil and Criminal Law, should be preserved and not destroyed?—I do. That is my view.

3635. And you think that giving the power to the provinces to pass such laws for their own province would destroy that solidarity?—I think it would interfere with it.

3636. You think the result may be that you might find the anomaly that in Madras a different state of Bankruptcy law applies from that in Bombay?—Yes.

3637. You think the result will be to gravitate into one province, where the laws are easier, all the quasi-criminals of that branch?—I have not gone into the question sufficiently thoroughly to justify my giving an opinion as strong as that.

3638. What is your opinion about the position of the High Courts? Do you think their control should be passed to the Provinces, or retained at the centre?—To tell the truth it never seemed to me to make the slightest difference which were to happen. Of course in my own province the control is in the province of Agra and Oudh. I cannot say that as far as I was concerned personally, or as Chief Judge of the Chief Court, that I had very much friction. As a matter of fact I had very little dealings with the Government. Fortunately we hardly ever wrote to one another.

3639. So you have no definite views on that point?—It never occurred to me which system I would prefer. In Calcutta, of course, you are under the Government of India, and I believe it works quite well. We are under the Provincial Government, and that works quite well.

3640. In what Department of Legislation do you think there ought to be power only in the hands of the Central Government?—I could hardly give you an answer on that. I should like to take a long time to think it over.

3641. The Indian Penal Code—the Criminal Law?—That again is a very wide thing. There are sections of the Indian Penal Code which are not of very great importance, where you might have a different law for the different Provinces, but, if you would excuse me, I would rather not go into as big a thing as that. I did not come up in any way to endeavour to instruct you, or to put you right on these matters, only to indicate where I thought there would be difficulties, and to leave it to you to find a way out.

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3642. I asked you the question because you seemed to make a point, referring to the Schedule, that you wanted to know in what Committee of the Round Table Conference this agreement had been arrived at?—I do not want to know. I can assure you I am not in the least inquisitive.

3643. I am asking in what Department of the law do you think there ought to be power only in the hands of the Central Government?—I am afraid I should want about six months' notice of that question.

Sir *Hari Singh Gour*.

3644. I understand your main contention to be that you want that there should be a continued independence of the judiciary in India under the new scheme?—I should want that in every country of the world—an independent judiciary.

3645. We are not dealing with every country in the world?—I only mentioned that that was my pious wish for every country in the world.

3646. We are not dealing with pious wishes?—I am very sorry to hear that.

3647. Do you think the independence of the judiciary can only be ensured by making promotion subject to the control of the High Court?—No; I do not think that. I think it may be ensured in a hundred ways which I have not thought of. I merely stated that as one possible way. Providing the independence is secured I do not mind in which way it is secured.

3648. In what way do you think the independence of the judiciary is in peril under the new constitution?—By admitting politics into the administration of the law it has spoiled the administration of the law in every country where it has been allowed to come in.

3649. How are politics going to come into the administration of the law?—When the future of a Judge depends on the control of a politician politics are introduced, in my opinion.

3650. You have said just now that if the promotion of all Subordinate Judges is left to the High Courts there would be no interference with the Subordinate Judges under the new Constitution?—If it is left to the High Courts the political influence will not enter.

3651. But what is there in the White Paper to suggest that the promotion of the subordinate judiciary is left to the Minister?—When I say the whole of the

control of law and order I assume the promotion would also be left, but if you would put a clause in to the effect which I suggest it would meet my wishes.

3652. I want to know what particular passage or sentence of the White Paper provoked your evidence?—I hope it provoked nothing. As a matter of fact there is no particular passage which touches on the subject at all, but I assumed that if the Minister was going to take the present position which is held by the Member of the Executive Council he would also obtain the power of promotion which is at present possessed by the Member of the Executive Council. If that assumption is wrong my argument fails.

3653. You are only dealing with a contingency which you contemplate, not with a reasonable probability arising out of any proposal in the White Paper?—I do not agree with that. I think this is a very fair inference from what the White Paper says, and one naturally always has to deal with a contingency if you are touching on something new which is happening in the future, because you cannot deal with the past if you are dealing with the future, can you?

3654. Is it not a fact that it is only occasionally that a Member of the Subordinate Judiciary is promoted to be a Judge of the High Court?—We have had a very fair number of instances in my own province. Sir Pramoda Charan Banarji, Sir Muhammad Rafiq, Mr. Justice Kanhaiya Lal, Sir Lal Gopal Mukharji. All of them have been promoted to the High Court from the Subordinate Judiciary.

3655. Over what time?—Over some 30 years.

3656. Four promotions in 30 years?—There have not been many vacancies in 30 years. In my time we had not many Indian civilian promoted to the High Court because there were few vacancies.

3657. Is it not a fact that your Province is exceptional in that respect, that in other Provinces members of the subordinate Service are very rarely promoted to be judges of the High Court?—I have not sufficient knowledge of the subject to answer that question; I do not know what has been done in other Provinces very well. I do not know what has happened in Bombay. In the Punjab I think there have been such promotions, and in Bihar.

3658. Now as regards the establishment of a uniform property law throughout

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India, I take your point to be that if there is a uniform property law throughout India, it will ensure certainty of the law and also its proper administration?—Are you referring to the Transfer of Property Act of 1882?

3659. I was referring to the question when you said just now about the mortgages and the leases, and they are part of the Transfer of Property Act?—At present there is a uniform law, the Act of 1882.

3660. Is there anything in the White Paper to imperil the law of property throughout India?—It gives the power to pass different laws.

3661. Under the present Government of India Act, the Provinces have got power to pass different Acts?—Not in such matters as that; there has been no devolution.

3662. But you are objecting to the modification of the All-India legislative Acts such as the Transfer of Property Act and the Indian Penal Code, being modified by local legislatures?—I was not objecting; I was only pointing out to you that you are taking on a very big subject. I do not object to anything.

3663. Were you pointing out that these should not be tampered with by the local Legislatures?—I was rather suggesting that you should look very carefully before you passed that.

Sir *Abdur Rahim*.

3664. There are just one or two questions that I want to ask you, Sir Louis. Do I understand that you suggest that there should be no such thing as a system of promoting judges from one grade to another? Is that it?—No, I am afraid you misunderstood me. I consider that system must stand. It is the only system which the people in India understand, and it would be very hard on the present incumbents if you altered it.

3665. Now I take it what you are suggesting is that the question of promotion should be dealt with by the High Court, where the judges are most competent to judge?—What I said was: I suggested that as one way out of the difficulty, but not as the only way out of the difficulty.

3666. Can you suggest any other way?—I am sorry to say my imagination is limited, and I can think of no other.

Sardar Buta Singh.

3667. Sir Louis, I want to know how these promotions are carried out, and

if I may be allowed, to tell you that in the case of a magistrate, first the District Magistrate has to depend upon the promotion of a subordinate. Then the Commissioners agree or disagree with him, and so on. Is that correct?—I was not referring to magistrates at all; I was referring to judges. I will tell you exactly what happens. If there is a post in Session Judgeship which falls vacant and which is open to the Provincial Service, the High Court of Agra and the Chief Court of Oudh each send up the name of a man serving in each Province under each jurisdiction, with the suggestion that each is the best man for the appointment, and the Government selects one or the other, or if it wishes, selects a third name, which is not on the list. That is the procedure.

3668. If I may tell you, perhaps, you are aware, that during the present regime the Minister has got nothing to do with the promotion, even in the cases of transferred subjects, such as the Education Department. There are other officials who come between. They may go on recommending a certain person; and he says yes; he has in most cases to agree, and this has been the practice, if I may tell you, in my Province, that actually, with the Head of the Departments there, the Minister usually agrees with it?—I am afraid that has not always been the case in my Province.

3669. It has been stated by you that you are afraid that supplies may not be voted in certain cases. Would it not be possible for the thing to be done under the Governor's special responsibility, and if the thing comes to that, he would be able to get supplies, and the proposal I refer to you is 99 of the White Paper?—How would that exactly fall under 98?

3670. Ninety-nine?—Yes, but 99 only refers to Appropriations enumerated in 98.

3671. "In appropriations authenticated"?—But only appropriations on matters enumerated in 98.

3672. "In the appropriations so authenticated the Governor will be empowered to include any additional amounts which he regards as necessary for the discharge of any of his special responsibilities"?—I beg your pardon. Of course, if the Committee considers that that covers the case, it is an answer to my objection.

Sir *Reginald Craddock*.

3673. I should like to ask Sir Louis two or three questions. Sir Louis, you have

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referred mainly to the judges, but the great bulk of the criminal work is done by the magistrates?—Yes, Sir Reginald.

3674. Do you not think that the apprehensions that you have expressed would apply even more to the magistracies than to the judges?—I do.

3675. You have known of similar cases, I suppose, that have come before you in the course of your judicial duties?—I have, and also to the police in the questions of prosecutions. I did not touch one.

3676. But is not that really almost more serious than is the case with the judges?—I think so:

3677. You did not mention that in your statement?—No; I am afraid that is an oversight.

3678. Would you have any suggestions to make about that?—I find it difficult to make any suggestion on the present lines unless you choose to transfer under A the division of executive and judicial, the Magistrates' Courts to the High Courts also, but that is a very big order and would require very special consideration. It is a great difficulty, I agree.

3679. Is it not your experience that among the magistrates of a Province there are a good many who are rather suspect, about whom no proof can be obtained, but whose proceedings lend a suggestion that they may have been under pressure?—Well, Sir Reginald, I cannot say that I have very much experience in that way, and I will explain why. I went into the Judicial Commissioners' Court in 1912, that is 20 years ago, and after that I went on to the Supreme Court of Appeal. My active experience of magistrates' work was small. As a Sessions judge, I knew a good deal about what the magistrates did, but for the last 20 years I have had very little direct experience upon that point, so I would not know really how many men were suspect and how many men were not. Appeals, as you know, from magistrates usually go to the Sessions judges, and they will only get up to the Chief Court on revision. I never profess to know very much about magistrates' work lately.

3680. You saw a good many reports on magistrates, did you not?—Yes, but usually of a somewhat formal nature, not really of the confidential kind.

3681. I will take another point that I would like to ask you about from your experience, because it may be urged that you are prejudiced from having been a member of the Indian Civil Service, but would you recommend the continuance of

a certain number of Indian Civil Service Sessions judges?—I distinctly would, not in any way because they are Indian Civil Service judges, but because they have got a point of view which neither the man who is taken from the Bar nor the man taken from the Provincial Service has. The Indian Civil judge is the only man who has actually tackled the work of a magistrate, and I think the knowledge he gets of police work and of the habits of the Criminal Courts is very valuable when he gets into the High Court. He provides an angle which the other judges have not; the other judges have angles which he has not. The Provincial Service judges know a very great deal more about the administration of Civil Courts, and the Barrister judges know the law in some ways much better than we can profess to. I always thought that there should be three parts, the barrister judge, the Provincial and the civilian judge, and they make a very good triangle, working together.

3682. And when you were in India you found the same thing?—Yes, and, of course, I am speaking of my colleagues, some of whom were Provincial judges, some of whom were appointed directly from the Bar. I always thought their point of view was of very great use to me.

3683. And you think the Chief Justices who come out from England would probably agree with you?—I do not like to speak for other people, but I am under the impression that the late Sir Henry Richards, the late Sir John Stanley and Sir Grimwood Mears were of that opinion.

Major Cadogan.

3684. I only want to ask one brief question on a point which was, I think, raised by Mr. Jayaker, and I am not quite certain that I appreciated what Sir Louis's answer was. Do you agree that it is expedient that the administrative control of all High Courts should be exercised by the Government of India rather than by the Provincial Governments?—My reply to that was that I really had not very much opinion on the subject. My own High Court was administered by the Provincial Government. My own Chief Court was administered by the Provincial Government, and we got on remarkably well. I imagine I would have got on equally well if the Court had been under the Government of India.

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[Continued.]

3685. You have got no settled preference?—I do not think, from the point of view of the working judge, that it makes any difference.

Lord Rankeilour.] May I just call your attention to paragraph 156 of the White Paper?—"The Federal Court would have an exclusive appellate jurisdiction."

3686. Yes. Do you think that leave to appeal, presumably to His Majesty in Council, should be restricted in the way it is by that section?—The section itself is not complete. "The value of the subject matter in dispute exceeds (blank) rupees" and the amount has not been put down.

3687. That is another point, but what I really wanted to get your opinion on was: Should there be a restriction, according to the money limit involved, such as in an English County Court?—I am sorry to say that I am afraid I have not given the subject sufficient attention to make my opinion of any particular value. You know, as the law stands at present, there is only an appeal to His Majesty in Council in cases of a valuation of 10,000 rupees or over, or unless some very important right is involved. I think, in the present procedure of appeals to His Majesty in Council, that the imposition of the money limit has been found useful and has done no harm. I may point out that, of course, their Lordships of the Judicial Committee have always the right to give special leave to appeal in a case of particular hardship.

3688. But would they under this section?—They would always give special leave in any circumstances. That right is inherent in the Crown. You can override that. I have known the Privy Council give leave to appeal in cases of quite a small valuation when they thought there was a hardship involved. In the other case, a man can appeal of right, and if you can appeal of right, there you are, nobody can stop you; but if it is the other way, you have got to make out such a good case as to persuade their Lordships that you should be allowed to appeal. Of course, it is rather presumptuous to criticise their Lordships of the Privy Council at all, but I think I may say, having retired, that I have always considered their Lordships of the Privy Council most eminently reasonable and most eminently fair in whatever they did.

3689. Paragraph 161: Do you think that others besides the Governor-General,

might have the right to get a decision involving a test case?—I have not thought of that point, but it seems to me that it is arguable as to whether the Governors also should not be allowed that power.

3690. You have not considered it?—I have not considered it, but just taking it for the first time that I have really looked into it, it would appear to be a good point.

3691. One other question about a subordinate Court. This has been put to me and I thought I would ask you: Supposing a defence is made in an action in a subordinate Court that it is *ultra vires* of the Court under the Constitution, do you think that the Court should give, for what it is worth, its own view of it, or that the jurisdiction should be ousted and it should go straight to the High Court?—I should certainly think, from my knowledge of the Courts, that the Court should give its own view, because merely to waste time and to obtain delay, a plea of that kind could be put forward without the slightest basis. We know well that frivolous pleas are put forward in the Indian Courts merely to gain time. I think it would be a good thing that the Court should be able to rule it out completely and go on with the case.

3692. Subject to appeal, of course?—Naturally, yes.

3693. With regard to a point (I think you have already made it yourself) it arose again to-day at an earlier stage about the powers of the Provincial Legislature with regard to the subordinate Courts. It arises on page 117, No. 28. That would allow a Provincial Legislature to pass laws altering the qualifications of the magistrates and subordinate judges, would it not?—It would appear to me so.

3694. Therefore, you might have entirely different standards and methods of jurisdiction throughout the different Provinces?—Undoubtedly.

3695. That would hardly be a good thing?—I should say not.

3696. With regard to No. 30, subject to some concurrent legislation by the Federal Government, that would allow the Legislature to change the jurisdiction of the various Courts within the Provinces?—Yes.

3697. Giving more power to the subordinate Courts, preventing appeals, and so on?—I had not had my attention directed to this subject before. If I may say so, I think it would be very difficult

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[Continued.]

to apply these enhanced powers. I did not think it necessary to mention it, but I was for two years, from 1910 to 1912, a Member of the Legislative Council of my own Province, and, unless there has been a very marked change since, I do not think any of us really had a very great capacity in law-making of the more elaborate kind. I certainly speak of myself—I had not—and we left the law-making of the more elaborate kind to the Government of India. We only passed very simple laws as a rule.

3698. Do you think it would be possible to amalgamate the High Court Judiciaries throughout India?—No, it is quite impossible; there are difficulties of language and difficulties of travel.

3699. All I meant to say was that appointments could be made from one Province to another: that they should all be in one panel?—No, I do not think it would work at all. Conditions are too different.

3700. I understand in Bengal the Governor-General, not the Governor, recommends the appointment for the Bengal High Court?—Yes.

3701. Would you extend that throughout India?—It always goes through at present. You are talking of High Court appointments themselves?

3702. Yes?—When there is a vacancy in the High Court the rule is, I am given to understand—I do not really know it very well because it was rather in the hands of others—each Governor was supposed to send up two names and those names went up to the Viceroy and the Viceroy probably sent on those two names, or with a slight selection in favour of one; and then they came to the Secretary of State in England, and the appointment was actually made by the Secretary of State. In Bengal, I take it, the first stage was left out, and the Viceroy did it himself.

3703. Whether it be the Governor or the Governor-General, what steps, in practice, did he take with regard to the selection of names? Who advised him?—He would be advised by his own advisers, but, as a matter of fact, as far as I know, I was always given to understand that, if the High Court and the Governor agreed that A was the best man for the post, A was invariably appointed by the Viceroy and the Secretary of State. I was given to understand* that; I was given to understand that if the High Court said: "He is the best man and the Governor thinks he is the best

man," they said, "We do not want to consider the matter any further."

3704. The Governor in future would consult his Cabinet?—I could not say.

Mr. Butler.] I think the proposal was No. 158 and not No. 156 in the initial part of Lord Rankeillour's examination.

Lord Rankeillour.] At first I asked about 156.

Mr. Butler.] The appeal to the King in Council is under 158.

Lord Rankeillour.] I take it 156 rules out *pro tanto* the appeal to the King in Council: it covers that.

Marquess of Salisbury.

3705. May I go back to a question I was putting at the very beginning of your examination? You told us of the difficulty of getting a sufficient number of returning officers at the polling booths?—Yes.

3706. We elicited from the Under-Secretary of State that the sort of standard was one returning officer and two clerks to every thousand electors?—Yes.

3707. Have you considered what would happen if the franchise were extended and there were many more electors?—That is what I was thinking. It would be very difficult and if there is going to be an extensive extension of the women's vote there is likely to be considerable delay. Anybody who has seen the way in which a purdah nashin lady is taken from house to house in a covered litter and has to be put so that nobody can possibly see her when she comes out (one has to be very particular about that in India) I think will agree that the taking of the vote of a purdah nashin lady will be a very lengthy business; but I have no right to be in any way an expert on the question of elections, but it struck me, having had this little difficulty myself, that I might just tell you the difficulty in order that you might think of that in considering the question.

Begum Shah Nawaz.

3708. Could you tell me what is the percentage of purdah women in India?—I am afraid I am an ignorant person and I do not know the answer to that question.

3709. In my Province there are hardly any women in purdah in the Muslim community and in the Hindu community purdah is mostly confined to the upper classes, and the percentage is not more than three to five?—I bow to you, but I know in my own Province that cer-

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[Continued.]

tainly my cook, my bearer and my khit-magar all kept their wives in purdah. I know that because they all lived in my compound.

Marquess of Salisbury.

3710. You have no knowledge yourself of how the process goes on in the polling booth. You have never been present?—Never as returning officer, but we have all had a good deal to do with purdah nashin ladies when it comes to giving evidence in Court and it is always a most tremendous business. She has to be carried in in a litter and then she has to be put in one place where she can more or less hear and see through a crack and where nobody can see her, and it take a very long time. A purdah nashin lady we always know is likely to extend the proceedings very considerably when she comes as a witness.

3711. You have never seen a lady under those conditions voting?—No, and I have often wondered how she did. I have always thought it would be extraordinarily difficult for her to do it.

3712. We shall find out in time?—I hope you will forgive me putting forward the suggestion; it was really put forward as a suggestion for your consideration.

Begum Shah Nawaz.

3713. My family voted at the last elections and most of them are purdah women?—The Punjab is not the same as the United Provinces, and I met ladies in the Sikh States who appeared to me to be quite as developed as anything I had seen in England in the way of intelligence and independence, and they were not purdah.

Mr. Isaac Foot.

3714. We may take it that the probity of legal administration and the elimination of political influence from judicial appointments are essential elements in any community?—I take it so.

3715. Would not those whose lives and properties are in India be the ones who are mainly concerned to secure those two elements?—They should be.

3716. If there are those who are concerned very largely with big property interests in India who are supporting these proposals for reform you would expect that they would give their attention

to those two essential elements?—I would like to know who they were first; it does not necessarily follow that because a man is a big man or an influential man he necessarily wants an impartial Court.

3717. Let us take all the people who have their lives and property in India: Would not they be concerned to secure these two essential elements?—They ought to be concerned, if they really understood the situation.

3718. They have more at stake than we have, have they not?—They may have more at stake, but they do not always understand the situation.

3719. How do you expect them to understand it except by responsibility?—I should have thought education might have some effect.

3720. Is not responsibility an essential element in education?—I have not always found it so, but we are getting off the point I was giving evidence on. I have not found that responsibility has brought about better work, say, in Benares municipality where they had the responsibility and the vote and at the same time did not know enough to protect their own interests, but I did not want to go into these wider questions.

Sir Austen Chamberlain.

3721. There is one matter you spoke of earlier. I am not quite clear in my own mind as to your point about the careers of the judges. Does it rest upon the fact that a professional judiciary is enlisted young as in some of the Continental systems?—It is very like the Continental system.

3722. Therefore, the arrival on the Bench is not, as it were, the close of their career or at any rate the attainment of a high post in it?—No; it is the commencement.

3723. The arrival in the judiciary is the commencement of their career?—Yes, at the age of about 25 or 26.

3724. It is with regard to those men in the earlier stages of their career that you are afraid that political influence might be brought to bear on them?—Yes.

Chairman.] We are greatly obliged to you for the way in which you have helped us.

(The Witness is directed to withdraw.)

Ordered: That this Committee be adjourned.

DIE MARTIS, 4° JULII, 1933

Present:

Lord Archbishop of Canterbury.
 Lord Chancellor.
 Marquess of Salisbury.
 Marquess of Zetland.
 Marquess of Linlithgow.
 Marquess of Reading.
 Earl of Derby.
 Viscount Burnham.
 Lord Ker (Marquess of Lothian).
 Lord Hardinge of Penshurst.
 Lord Irwin.
 Lord Snell.
 Lord Rankeillour.
 Lord Hutchison of Montrose.

Major Attlee.
 Mr. Butler.
 Major Cadogan.
 Sir Austen Chamberlain.
 Mr. Cocks.
 Sir Reginald Craddock.
 Mr. Davidson.
 Mr. Isaac Foot.
 Sir Samuel Hoare.
 Mr. Morgan Jones.
 Sir Joseph Nall.
 Lord Eustace Percy.
 Miss Pickford.
 Sir John Wardlaw-Milne.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.
 Nawab Sir Liaqat Hayat-Khan.
 Sir Akbar Hydari.
 Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
 Sir P. Pattani.
 Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

His Highness The Aga Khan.
 Sir C. P. Ramaswami Aiyar.
 Dr. B. R. Ambedkar.
 Sir Hubert Carr.
 Mr. A. H. Ghuznavi.
 Lt.-Col. Sir H. Gidney.
 Sir Hari Singh Gour.
 Mr. Rangaswami Iyenger.
 Mr. M. R. Jayaker.
 Mr. N. M. Joshi.

Begum Shah Nawaz.
 Sir A. P. Patro.
 Sir Abdur Rahim.
 Sir Tej Bahadur Sapru.
 Sir Phiroze Sethna.
 Dr. Shafa' At Ahmad Khan.
 Sardar Buta Singh.
 Sir N. N. Sircar.
 Sir Purshotamdas Thakurdas.
 Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Mr. F. E. JAMES, Mr. W. W. K. PAGE, Mr. T. GAVIN-JONES, Mr. G. E. CUFFE, Mr. L. A. ROFFEY, Sir WILLIAM McKERCHER and Mr. F. W. HOCKENHULL are called in and examined.

Chairman.

3725. Mr. F. E. James, you are a Member of the Legislative Assembly, and a Member of the Council of the European Association?—(Mr. James.) Yes.

3726. Mr. W. W. K. Page, you are a Member of the Council of the European Association?—(Mr. Page.) Yes.

3727. Mr. T. Gavin-Jones, you are a Member of the Council of the same Association and Chairman of the United

Provinces Branch?—(Mr. Gavin-Jones.) Yes.

3728. Mr. Cuffe, you are the Chairman of the Assam Branch of the European Association?—(Mr. Cuffe.) Yes.

3729. Mr. Roffey, you are the late Chairman of the Assam Branch of the European Association?—(Mr. Roffey.) Yes; the Memorandum of the European Association is as follows:—

MEMORANDUM 29. SUBMITTED BY THE EUROPEAN ASSOCIATION.

I.—INTRODUCTION.

1. The European Association is the political organisation of the British non-official community in India. Its member-

ship is on an individual basis and not on the basis of firms as is the case with Chambers of Commerce. It was founded in the year 1883, was first incorporated

4^o July, 1933.]

[Continued.]

in the year 1889, and is a company under the Indian Companies Act, 1882, limited by guarantee. The administration, direction and management of the affairs of the Association are vested in the Council, which is appointed annually and is representative of all Branches throughout India and includes by invitation the President of the Bengal Chamber of Commerce and the President of the Calcutta Trades Association. Close co-operation is maintained both at headquarters and through Branches with the Associated Chambers, with local Chambers of Commerce, and with the Members of the Central and Provincial Legislatures and of all local bodies.

General Attitude to the Reforms.

2. The Council of the European Association has examined the Proposals of His Majesty's Government contained in the White Paper with great care and, after consultation with all the Branches of the Association throughout India, it considers the general scheme to be satisfactory as a whole and to form a reasonable basis on which to frame the future constitution of India.

There are various matters in the Proposals of the White Paper on which the Association desires to secure modifications and there are certain points on which individual Branches of the Association have their own views. The Memorandum deals with all these points in some detail and puts forward both the claims of the Association in general and the points of view of some of the Branches in particular.

The Council of the Association reserves the right to determine its final attitude to the constitutional scheme when the Report of the Joint Select Committee has been published and the Bill for the future Government of India based upon that Report is presented to Parliament. In the meantime, however, the general scheme underlying the Proposals has the approval of the Association, subject to the acceptance of the modifications which it regards as essential.

II.—COST OF PROPOSED REFORMS.

3. The Association desires to call the attention of the Joint Select Committee to the greatly increased cost in the administration of India which the proposals will involve. The addition to the number of Provinces, the greatly increased electorate, the increase in the size and number of the Legislatures, all

these will involve greatly increased expenditure. It may be pointed out that, on the estimate of the Indian Franchise Committee, the approximate cost to Provincial Governments of a General Election on the proposed franchise will be from 50 to 60 lakhs (£375,000 to £450,000)—or from four to five times the present cost. There is also the recurring cost of maintaining vast electoral rolls, the cost of construction of new legislative chambers or the adaptation of existing buildings, and the cost of travelling and halting allowances of more than double the present number of legislators. (At present in the Provincial Councils, the Assembly and the Council of State there are 1,140; the number under the Proposals of the White Paper will be 2,375.) It is no doubt true that any extension in the direction of democratic government is expensive, but the Association would emphasise the fact that there are special difficulties in the way of adding to the cost of the administrative machine in India at a time when the finances of the country are so seriously affected by world economic conditions, and when the limits of taxation in many directions have been reached. This aspect of the question was no doubt appreciated by His Majesty's Government in preparing the Proposals of the White Paper, but the Association is anxious to keep the matter constantly before the Joint Select Committee and later before His Majesty's Government when the final stage is reached of framing the Constitution of India Bill for presentation to Parliament.

4. It is not appropriate in this Memorandum for the Association to discuss the general question of economy in the administration. Its representatives have put forward their views in the legislatures in India with regard to retrenchment in the civil and military administration of the Government of India, and of the Provinces. It is, however, pertinent to suggest that an endeavour should be made to secure smaller legislatures in most Provinces than are proposed by the White Paper. This question depends, in some degree, on the extent to which the franchise is increased and the Association's views on that subject will be found under the appropriate heading. The Association is also of the opinion that an effort should be made in the direction of smaller houses for the Federal Legislature. It realises that this proposal presents difficulties, in view

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of the necessity for the adequate allocation of seats to the States; and of the proposed increased in the franchise; but it feels bound to emphasise the financial implications of the proposals of the White Paper in this regard.

5. The Association calls the attention of the Joint Select Committee to the Report of the Committee of the Third Round Table Conference on Financial Safeguards, in which reference is made to the necessity of securing the Indian budgetary position as one of the conditions to be fulfilled before carrying out the proposals relating to responsibility for the finance of the Federation. The Association goes further and states that its approval of the main structure of the proposals of the White Paper is given on the understanding that the necessary funds will be available for both the Federal and the Provincial Governments, not only to ensure their budgetary position, but also to meet the new charges consequent upon the Reforms. It is emphasised that the budget of the Government of India is at present balanced by the imposition of surcharges on customs duties and income tax, which are regarded as emergency measures only. The Association wishes therefore to make it clear that in estimating the future central and Provincial budgets, the emergency surcharges must not be taken into account, as the Government of India is pledged to remove them at the earliest possible date.

III.—THE DATE AND CONDITIONS FOR THE INAUGURATION OF FEDERATION.

6. The Association considers that the conditions laid down in the White Paper which must be satisfied before the inauguration of responsible Federal Government, are most essential and should not be weakened in any way. They give their full support to these conditions subject to the following comments:—

(a) It is laid down in the White Paper that the coming into being of the autonomous Provinces will only be the first steps towards the complete Federation for which the Constitution Act will provide and that provision will be required for the period by which Provincial Autonomy may precede the complete establishment of the Federation. The Association has always been of the opinion that the transfer of power to a responsible Federal Govern-

ment should not take place until the new Provincial Governments are established and fully working. The delegates at the Round Table Conference, however, agreed that the completed scheme for the establishment of Federal and Provincial Governments in India should be contained in one Constitution Act; and the Association supports the view of His Majesty's Government that the introduction of the new Autonomous Provincial Governments should not leave Federation as a mere contingency in the future. It believes, however, that in practice some time must elapse between the inauguration of Provincial Autonomy and the completion of Federation, and it desires to express the view that this period should not be unduly contracted in the desire to complete as early as possible the whole structure contemplated in the Constitution Act. Such a course might lead to grave dangers if all the prerequisites to the establishment of responsible Federal Government had not been completely fulfilled.

(b) The representatives of the European Community in India at the Round Table Conferences agreed with His Majesty's Government in their proposal to make the establishment of responsible Government in the Centre dependent upon the formation of a Federation of Indian States and Provinces. The Association is, in the main, of the opinion that the Rulers representing a substantial majority of the population of the Indian States should execute their instruments of Accession to the Federation before a responsible Federal Government is established by Proclamation. The Proposals of the White Paper, however, are that the Federation should be established on the accession of Rulers representing not less than half the aggregate population of the Indian States and entitled to not less than half the seats to be allotted to the States in the Federal Upper Chamber. In view of this proposal, therefore, the Association would suggest for serious consideration, the desirability of the Crown nominating persons to the unfilled seats in the Federal Legislature allocated to the States, until such time as the accession of all the States is completed. In agreeing to

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[Continued.]

the establishment of a responsible Federal Government the Association was influenced by the belief that the accession of the Indian States would bring to the Federal Legislature and Executive that hereditary experience in government and that stability which would fully justify such an important step; and it views with some concern the possibility of a large number of seats in the Federal Legislature allocated to the States remaining unfilled for some time after the actual establishment of responsible Federal Government.

(c) The Association desires to emphasise the importance of the establishment of a Reserve Bank and a Statutory Railway Board as prerequisites to the inauguration of Federation. Evidence on these matters is being offered by the Associated Chambers of Commerce whose views receive the support of the Association. The Association wishes, however, to lay special emphasis on paragraphs 32 and 60 of the Introduction to the White Paper, relating to the financial, economic and political conditions of India at the time of the inauguration of the Provincial and Federal Governments.

IV.—THE LANGUAGE OF THE FEDERATION.

7. The Association notes with some concern that no mention is made in the White Paper of the language of the Federation. It desires to place great emphasis upon the importance of securing in the Constitution Act that English shall be the official language of the Federation. The Association also considers that statutory provision should be made for English to be one of the official languages of the Provincial Governments.*

8. It may be further noted that India is increasing her international contacts in trade and in intellectual and social matters. A Federated India will enjoy an important place in the comity of nations in her own right. English is one of the chief international languages in the world, and it will be important that it should be the official language of Indian Federal Government.

9. Unless provision is made for this in the Constitution Act the Association

believes that it is not unlikely that attempts will be made in the future for political reasons mainly to declare as the official language of the Federation one of the Indian vernaculars. As a political gesture it would be popular among certain classes of the population. As an example of the tendency to which reference is made, it may be mentioned that the Senate of one of the largest Universities in India recently passed a resolution declaring that in future the Matriculation examination should only be conducted in one of four vernaculars—English being excluded. This, if carried into effect, would prove a distinct hardship to the English-speaking communities, and to those other communities from Provinces which do not use any of the vernaculars mentioned. For these reasons, therefore, and in view of the probable tendencies in the future, the Association believes that this provision is essential.

V.—INAUGURATION OF PROVINCIAL AUTONOMY.

10. The Association has, in the past, declared its opinion that the transfer of responsibility in the provinces should be dependent upon

(a) a satisfactory settlement with regard to the provision of adequate finance.

(b) the full protection of the Services.

(c) the presence of such co-operation in the provinces as would secure stable government.

With regard to (a) reference is made to this in general terms in this Memorandum, as the matter is being dealt with in detail by the representatives of the Associated Chambers of Commerce.

With regard to (b) the proposals of His Majesty's Government contained in the White Paper provide adequate safeguards, subject to the acceptance of the further requirements detailed in this Memorandum under the heading of Services.

With regard to (c) the Association desires to draw the attention of the Joint Select Committee to the continued existence of a political organisation which in some provinces is very powerful, and which up to the present, is admittedly pledged to the obstructive policy of civil disobedience, and to complete secession from the Empire. It is noteworthy that in Bengal some sections of this organisation are closely connected

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with the terrorist movement whose object is to obtain power through intimidation and force.

11. The apprehensions of the community which is represented by the Association are felt particularly with regard to Bengal where the possible success of these sections at the first elections held under the new Constitution Act might produce a grave situation. The Association views with some alarm the possibility of the control of the Province being handed over to those who have again and again committed themselves to the policy mentioned above. It is this fear which has led the Association to insist that every step should be taken to prevent the weakening of the police machinery and to safeguard the efficiency of that branch of the police which deals with organisations for violent and subversive crimes.

12. The Association would also strongly recommend that there should be no general amnesty before or at the time of the inauguration of responsible government, of prisoners convicted of terrorism or retained under any special Security Acts as suspect of complicity in terrorism.

Experience in the past indicates the unfortunate results of general releases and justifies the opinion of the Association.

In view of the special conditions prevailing in Bengal, the Association recommends that provision be made in the new Constitution of India Act to the effect that the introduction of provincial autonomy in that Province should be withheld until both Houses of Parliament have presented an Address to His Majesty praying that it be granted. The Association believes that the dangers of advance in Bengal until such time as the terrorist movement is completely under control are so great as to make it advisable to place a special responsibility on Parliament to review the actual situation before agreeing to the transfer of control. The Association realises, however, the force of the objection to singling out a particular Province for special treatment, and if the Association receives a definite assurance that the safeguards which it considers absolutely essential to the transfer of law and order will be incorporated in the Act, it will be prepared to withdraw this recommendation.

VI.—LAW AND ORDER.

13. One of the most important recommendations of the White Paper deals

with the transfer to the control of Ministers responsible to the Legislatures, of the administration of Police, the Judiciary, and Prisons and Reformatories, which together are commonly known as Law and Order. The branches of the Association have had this matter under special consideration for some time and, with the exception of that of the United Province, all are prepared to accept the transfer, subject to the recommendations in connection with safeguards which are made below. The views of the United Provinces Branch are set out in a memorandum prepared by Mr. T. Gavin Jones, the Chairman of the Branch, which is printed as an appendix to this document. The Association is aware of the difficulties which may arise if the administration of the Police is placed in the hands of a Minister responsible to the Legislature. It endeavours, in its recommendations, to meet some of these difficulties. But it is of the opinion that, subject to the additional safeguards suggested, the difficulties would be greater if the department is not transferred.

14. With regard to the safeguards which should be conditions precedent to the transfer of the administration of law and order, to be satisfied before the Association assents, the following are the recommendations which have been referred to:—

(i) While the Association is in general agreement with the recommendations contained in Paragraph 47 of the Introduction, and Paragraph 70 of the Proposals of the White Paper, relating to the special responsibilities of the Governor, it would point out that the definition of responsibility in respect of the prevention of grave menace to the peace or tranquillity of the Province is general. The Association therefore recommends that a particular obligation should be laid upon Provincial Governors, through their Instruments of Instructions, to maintain direct personal contact with the departments primarily concerned with the administration of law and order, and to take into their special consideration all rules which are made under the Provincial Police Acts.

(ii) The Association desires to emphasise the fact that the Indian Police Act of 1861 and the Local Police Acts of the Provinces are of great importance to the efficient administration of the police. It

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[Continued.]

therefore suggests that provision should be made in the Constitution Act that no amendment of the Indian Police Act should be introduced into the Legislatures without the prior assent of the Governor-General in his discretion, or of the Provincial Police Acts without the sanction of the Governor in his discretion. Such legislation should also be reserved for the significance of His Majesty's pleasure.

(iii) There is no department in the whole of the Civil Administration, where it is more necessary to protect the services from interference from the ministry or pressure from the legislature than the Police Department. Hitherto, under an Executive Councillor, the Department has, generally speaking, been free from this kind of influence. In the transferred departments of government, however, Ministers have been subjected to pressure from their supporters and members of the Legislature from their constituencies, in regard to appointments, promotions, postings and transfers. It has been suggested by one Branch of the Association that the "insulation" of the police force from such tendencies, which might well have a deleterious effect on discipline and morale, should be accomplished by the formation of a Board impartially constituted, free of political and ministerial control, which would have complete jurisdiction over all appointments, promotions, postings and transfers. There may be other methods suggested, and the Association refrains from advising on a matter on which Police experience is the best authority. The main point is the absolute necessity of maintaining the general efficiency of the internal administration of the police and the Association stresses the importance of this in view of the transfer of the general control of the department to a responsible minister.

(iv) In agreeing to the transfer of law and order, the Association has relied to a very large extent upon the maintenance of the existing control at the centre in connection with the ultimate safeguarding of internal security. The Federal Government of India must be ultimately responsible for conditions of in-

ternal security throughout the country. This involves the disposition and determination of military forces, the administration of the Arms Act, the general structure of Criminal Law and Procedure, and the co-ordination of information and policy in regard to subversive movements of an All-India character. In connection with the last named function, the Association regards it of the utmost importance that there should be a continuance and a strengthening of that essential liaison which exists between the Central and Provincial governments in respect of certain All-India movements. It is here pertinent to recall a recommendation of the India Statutory Commission, which is to be found in Section 190 of Volume II.

"The abolition of dyarchy might entail the breaking of the essential liaison between the Central Government and the Provinces in respect of that Branch of the Provincial Police which works in concert with the Central Intelligence Department. We would therefore recommend that the clause assigning police to the Provinces in Item 32 (see Volume I) of the Schedule of the Devolution Rules should be qualified by the addition of the words 'subject in the case of the C.I.D. to such conditions regarding organisation as the Governor-General in Council may determine.'

15. It is not the view of the Association that the terrorist movement in Bengal, which has All-India connections, will cease to exist after the new Constitution has been established. Those who hold that opinion are living in a fool's paradise. It is therefore of great importance that the special organisation which co-ordinates action and collects information in connection with this and similar movements should be maintained, and should, if need be, have authority to enforce its will through the equivalent branches of the provincial police. Indeed the Association would suggest to the serious consideration of the Joint Select Committee the possibility of placing all police activities which deal with subversive and terrorist movements directly under the supervision of the Governor-General, a supervision which

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would operate in the Provinces through the Governor. Normally the Governor would act on the advice of his Ministers, but if the Minister were unwilling to deal adequately with such movements in his Province or did not agree to act on the information of their activities made available through the special branches of the Police, then the Governor, on the authority of the Governor-General, would be in a position to take the action required, irrespective of the attitude of the Ministers. In dealing with terrorist and similar movements, the two essentials are secrecy and speed. The authorities of the new Governments therefore must be absolutely safeguarded in these respects if they are to be protected adequately against this menace.

16. The community represented by the Association attaches the greatest importance to the safeguarding of the Police in dealing with these movements. The terrorist movement, particularly in Bengal, is a real danger to any constitutional authority, and unless great care is exercised in devising the necessary safeguards, the new Provincial Governments will not be in a position to meet the danger. It must therefore be emphasised again that the proposal to transfer law and order to responsible ministers is agreed to on the condition that proper safeguards are devised. The Association does not wish to pledge itself to any particular method; that is a matter for expert opinion. It does, however, wish to call the special attention of the Joint Select Committee to its apprehensions in this connection, which will not be allayed unless it is assured that the extra measures of precaution above indicated will be adopted.

VII.—THE SERVICES.

17. The Association is of the opinion that the interests of the Services should be amply safeguarded, and that the Proposals of the White Paper contained in Paragraphs 180-201 go some way towards achieving that end. It is generally agreed that the Services have worked loyally under the new conditions brought about by the Government of India Act of 1919. It is also well known that they are now working in the same spirit of loyalty in helping to bring about conditions favourable to the new Constitution. It is therefore to the interests of India that they should be safeguarded in every

possible way, and that they should be reassured as to their position during all the vast changes that are about to take place.

18. The Association regards the continuance of the two All-India "security services" as of great importance. The maintenance of continuity and confidence in the Executive is of special moment at a time when a change in the direction of the Administration is taking place, and that appears to be the intention of His Majesty's Government in retaining the recruitment, appointment and control of the two main All-India Services in the hands of the Secretary of State. Further enquiry is provided for after a period of five years from the commencement of the Constitution Act has elapsed.

19. The Association further believes that a continuance of the European element in these Services is necessary, and is desired by many Indians. To that end it recommends that there should be no change in the rates of Indianisation proposed by the Lee Commission, which are calculated to produce an equality between the numbers of Europeans and Indians in the Indian Civil Service by 1939, and in the Indian Police Service by 1949. The Association agrees with the view expressed by the Government of India, that "these rates are as rapid as appear to be consistent with the retention of the character and traditions of the two Services."

20. With regard to the other Services under the Central and Provincial Governments, the Association desires particularly to emphasize the importance of the establishment of Public Service Commissions which will be concerned with examinations, recruitment, appointments, promotions, transfers, postings, memorials and appeals. The Association considers that properly constituted Commissions with adequate jurisdiction will provide one of the best protections for the Services, and also one of the most effective safeguards for ministers against the importunities of their supporters.

23. With regard to the Indian Medical Services the Association would draw the attention of the Joint Select Committee to the following extract from the Report of the Indian Statutory Commission:—

"It seems clear that the Indian Medical Service does not at present offer the same attractions as formerly

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to the medical profession, and recruitment has suffered. This may be a passing phase—other military medical services, such as the Royal Army Medical Corps, are no better off—but a failure in recruitment for the Indian Medical Service would be a very serious matter for India. The maintenance of the European element in other services is dependent upon the Government's ability to provide qualified European doctors for the treatment of officers and their families. A failure of supply would have other consequences besides. The achievements of the Indian Medical Service in the study of tropical medicine have been remarkable—Sir Ronald Ross's work on malaria is the most striking, but not the only example—and if such men are to have no successors, the public health of India will pay a heavy price for it. It has been stated that the deaths in India from preventable disease each year amount to five or six millions. The problems presented by such enormous figures can only be attacked by persistent research by highly trained and enthusiastic medical investigators, and a medical service recruited provincially in India will be no substitute in this regard for one with the exceptional standards and traditions of the Indian Medical Service.

"But the Indian Medical Service could ill be spared for still another reason. Nothing impressed us more in the course of our journeys through India than the need, in all but the best hospitals, for the raising of the standards of medical treatment, and especially in such matters as equipment and nursing. We gladly recognise the enthusiasm of Indian public men for the improvements of medical facilities. But enthusiasm without adequate standards has its dangers; and the loss of contact with the standards and progress of Western medicine, which would be entailed by a failure of recruitment for the Indian Medical Service, would, we are convinced, be disastrous for the future of the public health of India."

The Association agrees with these views, and would refer especially to the second paragraph. It believes that continuous and increasing contact with the

standards and progress of Western medicine to be essential to the service of public health in India. It is therefore of the opinion that it is important that India should be in a position to attract some of the outstanding members of the medical profession in the United Kingdom. The whole question should be considered, not simply from the point of view of the treatment of European officers and their families, but from the broad standpoint of public health administration and medical education in India.

With regard to medical services in general, the Association desires to call the attention of the Joint Select Committee to the apprehensions entertained by many of its members as to the continuance of adequate accommodation in hospitals throughout India for those who live in Western style and are accustomed to Western standards. This includes Europeans and Anglo-Indians, and an increasing number of the Indian communities. It may be pointed out that any curtailment of existing provisions would seriously affect the poorer members of those communities, who are not able to afford the expense of private institutions, and also those who live in districts where private institutions are not available. Proposals to reduce the budget provision for such service could not be regarded as discriminatory, as it would affect certain classes and not communities. The Association would therefore place this matter before the Joint Select Committee for their consideration.

VIII.—FRANCHISE.

24. With the exception of the Madras and Bombay Branches of the Association, which are satisfied with the franchise proposals as far as their own provinces are concerned, all the other Branches of the Association consider that the proposed increase is greater than is either necessary or desirable. They point out that the proposals of the Franchise Committee, which are in the White Paper accepted in the main, go beyond the recommendations of Provincial Governments in most cases, and beyond the limits which these Governments consider to be administratively feasible. Reference has already been made to the increased cost of the proposed franchise, both at the time of elections and in the periodic preparation and maintenance of electoral rolls. But the objections to the great increase proposed in most

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Provinces is based, not only on financial grounds, but also on grounds of administrative convenience and political expediency.

25. In Paragraphs 14 and 15 of the Franchise Committee's Report two principles are enunciated. The first is that the electoral system should be such as would produce legislatures which would contain the elements required to form both stable and competent ministries, and capable oppositions able to form an alternative government. The second is that the main driving force behind legislation and public administration is public opinion, making itself effective through the electorate and the members returned to the Legislature. The Association is not convinced that such a large extension of the franchise as is proposed for most of the Provinces is likely to secure in practice the establishment of these essentials. When the franchise is extended beyond a certain limit, under the conditions prevailing in India, the driving force of the electorate ceases to exist, and it easily becomes the tool of oligarchic groups and parties. The Association urges the importance of "gradualness" in the extension of the franchise, subject to the general principles enunciated earlier.

IX.—SECOND CHAMBERS.

26. The Association approves of the provision contained in Paragraph 74 of the Proposals of the White Paper for a Second Chamber in the Provinces of Bengal, the United Provinces and Bihar. It is strongly of the opinion, however, that Second Chambers should be provided in all Provinces, and this has been one of the principles on which the Association has insisted in agreeing to the inauguration of full responsible government in the Provinces.

28. The White Paper proposes a vast extension of the franchise and greatly enlarged legislatures. It is difficult to foresee with certainty the effect of these proposals on the composition and ability of the legislatures, but it is not improbable that of the representatives returned a large number will be inexperienced in political affairs, and will possess crude ideas as to policy in administration. The only check upon such legislatures will be the Governor's over-riding powers, and it is undesirable that these should be brought into play except on emergent occasions. A Second Chamber would act as both a restraining and a revising in-

fluence on the Lower House, and would help to preserve what is so important—the impartial position of the Governor.

29. Some Provincial Governments have opposed the establishment of Second Chambers on the ground that there is not sufficient political talent available for two chambers. The Association dissents from this view. It is true that the number of public men able and willing to face elections on the new franchise and under the new conditions is limited. On the other hand, there is in each Province, to a varying extent it is true, a considerable reserve of those who have been distinguished in public service, administration, professional work, or commerce and finance, on whose help and guidance the future Constitution should be able to draw. If there were a Second Chamber based on a restricted franchise, it is far more likely that such persons would secure a place in the legislatures. The Governor would find in the Upper House men who had been administrators, judges, ministers, or public servants, whose guidance would be invaluable, and from among whom he might select some of his ministers.

30. There is another factor to which the Association attaches great importance. There is no provision in the White Paper for any special responsibility on the part of the Governors, similar to that which is laid upon the Governor-General, in regard to the financial stability of the Provinces. There is no mention, even, of the retention of the existing provisions of Devolution Rule 36 (2) and (3) issued under Section 45A of the present Government of India Act, which provides for the appointment by the Governor of a Financial Adviser to a Provincial Ministry. With the transfer of finance to ministers responsible to Legislatures based upon such a large and untried franchise, the Association is apprehensive of the financial stability of the Provinces. The tendency of local bodies elected on a low franchise to agree to ambitious schemes of expenditure without reference to the adequate provision of funds is shown by a study of recent administration reports on local government in India, and is confirmed by many who have had the experience of serving on those bodies. With the increase in the franchise, these tendencies will be reflected in the provincial legislatures, and indicate the need for the added safeguard of a Second Chamber.

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31. In pressing the claim for Second Chambers, the Association would urge that they should be comparatively small bodies, mainly elective on a restricted franchise, and with similar powers to those possessed by the Lower House, except in regard to the initiation of Money Bills. In the case of disagreement between Houses, provision should be made for joint sittings of both Houses at which, after suitable delay, the views of the majority should prevail. The Association would point out that its proposals do not involve any derogation of responsible government in the Provinces, are not directed against any democratic principle inasmuch as the views of the majority of the electors will ultimately prevail, and involve no serious additional expenditure, provided the size of both Houses is restricted to a reasonable figure. They do involve, and are intended to provide for, a stabilising influence, a substitute for the frequent exercise of the Governors' special powers, and an opportunity for representation and service in the legislature of that experience and talent which are unlikely to be found in the Provincial legislatures composed and elected on the basis proposed by the White Paper.

32. The White Paper accepts the principle of a Second Chamber for the United Provinces, Bengal and Bihar, but the Association sees no valid reason for its restriction to these Provinces alone. It is also noted that Paragraph 74 of the Proposals enables a Provincial legislature at any time, not less than ten years after the commencement of the Constitution Act, to present an Address to His Majesty praying that a Second Chamber may be established. It is not probable, in the opinion of the Association, that such an address will ever be presented. Legislatures are notoriously jealous of their own powers and prestige, and it is hardly conceivable that a popular single legislature, once established, will desire to share those powers and that prestige with an Upper House. If it is admitted that the establishment of Second Chambers is advisable as a stabilising influence in the new Provincial Constitutions, then provision should be definitely made in the Constitution Act itself, as to their composition, franchise and powers. The majority of Provincial Governments and Franchise Committees recommend the provision of Second Chambers and in placing its views before the Joint Select

Committee, the Association knows that it has the support of a considerable weight of Indian opinion.

X.—REPRESENTATION OF EUROPEANS IN THE NEW LEGISLATURES.

33. In considering the question of the representation of the European community in the new legislatures, the Association desires to emphasise the fact that the abolition of the official and nominated "bloc" is an important factor in the situation. This "bloc" gives an element of stability and impartiality to the legislatures on which the European representatives have often been able to rely, and it is far less sensitive to the political passions and prejudices of the day than are the elected members dependent upon Indian constituencies. The presence of the official "bloc" has also meant that the experience of the administrator has been at the disposal of the Legislature, and it has on many occasions been an informative and steadying influence on the members thereof. With the disappearance of this element from the Legislatures the European community will have to depend solely upon the quality of their representation and the influence of their votes. It is for that reason that the Association feels fully justified in urging the following claims, and in asking the Joint Select Committee to bear this general consideration in mind when examining those claims.

34. There is one further consideration which may not be generally appreciated by the Joint Select Committee. It has been the practically unanimous experience of the members of the Association who have served on Provincial and Central Legislatures, that their presence and co-operation have been welcomed by their Indian colleagues. The European non-official has, quite apart from the special interests which he represents, shown an increasing interest in recent years in the general activities of the Indian Legislatures, a fact which, it is believed, is generally appreciated by all communities. By his inherited traditions of parliamentary practice, his impartiality in communal matters, and his experience of practical affairs, he is well fitted to help in the development of self-governing institutions. With the disappearance of the official "bloc" in the future, the Association believes that co-operation of the European non-official in

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the Legislatures will be still more useful and that he will be welcomed as a valued colleague by the Indian members.

The Federal Legislature.

35. It is noted that provision is made in the Council of State for seven seats to be reserved for the European community in India, but that these seats are not allocated to any particular Province. This would make it possible for certain Provinces, by reason of their voting power in the Provincial Legislatures, to elect all or most of the seven members to these seats, thus depriving other Provinces of their representation.

The Association therefore recommends:—

(a) That the seats in the Council of State be allocated as follows:—

Bengal	2
Bombay	1
Madras	1
Assam	1
Other Provinces	2
—	
Total	7
—	

(b) That provision be made in the Electoral Rules for any European who is on the Electoral Roll for the Council of State to be entitled to stand for any seat therein for any Province. In this connection attention is drawn to Rule 6 (2A) of the Electoral Rules of the Legislative Assembly which is as follows:—

(2A)

“No person shall be eligible for election as a member of the Legislative Assembly to represent a European constituency unless he is himself a European and his name is entered on the electoral roll of the constituency or of any other European constituency specified in Schedule I.

The Association suggests that this rule be followed in the Rules regulating the election of the new Council of State.

36.—(i) The Association does not consider that the Proposals in the White Paper relating to European representation in the Federal Assembly are just to the claims of the European Community. In the present Legislative Assembly there are nine elected European seats (including one for Burma), and one nominated seat for a representative of the Associated Chambers of Commerce. Thus there are 10 European seats out of a total number

of 145 members. In the proposed Federal Assembly there are eight European General seats and it is expected that there will be six European Commercial seats. This gives a total of 14 seats out of a total membership of 250 for British India. The Association has always claimed that there should be an increase in the number of European seats at least proportionate to the increase in the size of the Legislature. On this basis the number of European seats in the Assembly should be 16, and the Association therefore claims an increase of two. There is, however, a further difficulty and that is that the White Paper does not lay down definitely that Europeans will obtain the six Commercial seats. It states that it “is expected” that these seats will be definitely secured by Europeans, but there is no guarantee. The Association would press very strongly for a clarification of this issue so that the six Commercial seats may in any case be definitely counted upon as European, inasmuch as the Commercial and Special seats are counted together when estimating the total number of European seats.

37.—(ii) With regard to the allotment of the two additional seats claimed, the Association would point out that while there are at present three members in the Legislative Assembly representing the general European community in Bengal, by the Proposals of the White Paper this number is decreased to one. The Bengal Branches of the European Association regard this as objectionable, and claim that the increase in general European representation in the Federal Assembly should be allotted to the general European community in Bengal.

The representatives of the Tea industry in Assam also urge very strongly that one additional seat should be reserved in the Federal Assembly for Europeans. As the position of the Europeans and their interests are admittedly the outstanding features in the development of Assam, the Association believes that this claim is just and deserves favourable consideration. The question of the precise allocation of the two additional seats in the Federal Assembly is left to the Joint Select Committee and the Association contents itself with pressing as strongly as possible for the increase of two seats to which it believes the community is entitled.

(iii) With regard to the representation of the Northern India commercial bodies in the Federal Assembly, the

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Punjab Branch of the Association urges that the constituency should consist of the Northern India Chamber of Commerce (Lahore), the Punjab Chamber of Commerce (Delhi), and the Punjab Trades Association. The Punjab Chamber of Commerce and the Punjab Trades Association are the oldest and best established of all the commercial and trading organisations in North India, and they form the constituency from which a representative is now elected to the Legislative Council in the Punjab.

The Northern India Chamber of Commerce was organised in 1923, is representative of the leading commercial and industrial interests in Punjab, and consists of both Indian and European members (as does the Punjab Chamber of Commerce). The Association urges that under these circumstances, these three bodies should form the constituency from which to elect the representative of the Northern India Commercial bodies to the Federal Assembly.

Provincial Legislatures.

I.—Upper Chambers.

38. It is laid down in the Communal Award that the composition of an Upper House in any Province should be such as not to disturb in any essential the balance between communities resulting from the composition of a Lower House. This principle is definitely contravened by the proposals in the White Paper relating to European representation in the Provincial Upper Chambers of Bengal, Bihar and the United Provinces.

(i) In the Bengal Upper House it is proposed that European representation should be limited to one, elected directly from a European Constituency, and a number returned by the members of the Lower House on the basis of the single transferable vote, which would work out on a strict proportion basis, at 2.7. The maximum possible representation in the Upper House would therefore be 4, and the actual representation would probably be only 3. On the basis of the division of seats in the Lower House the Europeans are entitled to 10 per cent. of the seats in the Upper House and their representation should therefore be 6.5. The Association therefore strongly urges that the proportion between the communities, which on the present proposals exists in the Lower House, should be maintained in the Upper House, and that the balance of European seats should not be dependent upon the nomination of the Governor in his discretion.

(ii) For the same reason, the Association presses very strongly for statutory representation for Europeans in the Upper Chambers of Bihar and the United Provinces. It is proposed in the White Paper that there shall be four European seats in the Provincial Assembly of Bihar (*i.e.*, 2.6 per cent. of the total), and four in the Provincial Assembly of the United Provinces (*i.e.*, 1.75 per cent. of the total). The Association desires to urge that there shall be statutory provision for at least one seat for Europeans in the Upper Houses of these two Legislatures.

(iii) The Association in Assam presses for one-third of the seats to be allotted to Europeans in the Upper Chamber, if and when it is constituted, in order to safeguard the large interests which are represented by the community in that Province. Further reference to the arguments for this claim will be found under the heading of "Provincial Assemblies."

The views of the Association on the general question of bicameral legislatures will be found under the heading "Second Chambers."

II.—Provincial Assemblies.

39. *Orissa.*—The Association notes with concern that Europeans are given no representation in the new Orissa Assembly. This, it is suggested, is a serious omission, considering the presence of considerable European interests in that Province. Moreover Cuttack is an important Railway Junction, tapping large mineral reserves and coalfields in Indian States. In the Talcher State alone there are several collieries in which British capital to the extent of over one crore of rupees is invested. The Association therefore claim at least one seat in the Assembly.

40. *North West Frontier Province.*—The Association would point out that no provision is made for a European seat in the Provincial Assembly of this Province, and presses strongly for such provision.

41. *Punjab.*—The Association supports the representation of the Punjab Branch of the European Association that one additional seat be allotted to Europeans in the Punjab Provincial Assembly. At present, there is no general European constituency, one European member being nominated and the other being elected from a commerce and trade constituency. In the White Paper it is

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proposed that there should only be one general European seat in the Provincial Assembly and this in spite of the fact that the total membership of the Legislature is being increased from 94 to 175. The Association urges most strongly that there should at least be no diminution in the proportion of European seats in the Legislature and that therefore two European seats should be provided.

42. *Central Provinces.*—The Association supports the claim of the Europeans in the Central Provinces for two seats to be statutorily guaranteed in the new Provincial Assembly. At present, in a Legislative Council of 73, Europeans have one seat; and they claim two seats in the new Provincial Assembly of 112. It may be pointed out that in Appendix III of the White Paper proposals, it is stated that one general seat is allotted to Europeans and that it is "expected" that one of the two Commercial Industrial Mining and Planting special seats will go to a European. If this expectation is satisfactorily safeguarded the wishes of Europeans will be met, but they have reason to believe that unless statutory provision is made for one of these seats to be a European seat, it is likely to go to a constituency which will be predominantly Indian. The Association therefore strongly supports the claim of the Europeans in the Central Provinces to a guarantee of two seats in the Lower House.

43. *Bombay.*—The Association considers that the proposed representation of Europeans in the Bombay Provincial Assembly is inadequate in view of their existing representation. At present Europeans in Bombay have five seats out of a total of 86 elected seats (*i.e.*, 5.7 per cent. of the total), and according to the White Paper Proposals, they will have only seven seats out of a total of 175 (*i.e.*, 4 per cent. of the total). The Association strongly urges that Europeans should be allotted eight seats instead of seven, thus maintaining the present proportion of their representation.

44. *Assam.*—The Association desires to support the representations of the witnesses from Assam in regard to the number of European seats in the Provincial Assembly. It is not necessary for the Association to repeat in detail the claims of the Assam representatives in regard to this matter. The position of Europeans in that Province is a special one. They have by their energy and

courage practically created the Province and developed its wealth. European interests and their employees contribute more than half the total revenue, both provincial and central, of Assam. The Association therefore believes that the claims of its Branches in Assam are based upon equity, and deserve the utmost consideration. Under the proposals of the White Paper eight seats are reserved for European Planting and Commercial interests and one seat for the European General constituency. This does an injustice to Europeans in Assam inasmuch as it actually reduces the present proportion of European seats to the total number. Moreover it entirely ignores the vast interests represented in the province by the commercial interests other than tea. Accordingly, the claim of the Association on behalf of Europeans in Assam is that the following seats should be allocated:—

- 11 seats out of 13 representing planting interests (the other two to be allocated to Indians).
- 2 seats representing Oil, Mining and Railway interests.
- 3 seats representing the general European constituency (to be allocated as to one each for Assam, Cachar and Sylhet).

—
Total 16.
—

In the present Legislative Council, European representation is 12½ per cent. of the elected members, and the same proportion of the elected members of the legislature proposed by the White Paper would yield 13½ seats for Europeans. It must be remembered, however, that at present the great commercial interests other than Tea (*i.e.*, Oil, Mining and Railways) have no separate representation, and it is now sought to repair that omission. In view of the fact that there are no interests in the Province comparable with those represented by the European community, the Association submits that its claim for a total of 16 European seats in a Legislature whose membership is 103 is reasonable.

In a preceding paragraph, the Association has pressed for the acceptance of the principle of Second Chambers in all Provinces. If that principle is accepted by the Joint Select Committee, together with the Association's claim for one-third of the seats in Assam's Upper

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Chamber to be allocated to Europeans, then the Association would be prepared to accept the present proposals of the White Paper in regard to representation in the Lower House. On the other hand if the Legislature in Assam is to be unicameral, the Association's claim for 16 seats for Europeans is pressed.

XI.—DISQUALIFICATION FOR MEMBERSHIP OF LEGISLATURE.

45. The Association concurs with the disqualifications mentioned in Proposals 38 and 84 of the White Paper, but considers that the list is by no means complete.

It suggests that in Paragraphs 34 (c) and 84 (e) the disqualifications should extend to any professional person who has been suspended from practice by order of an open Court.

The Association also considers that persons convicted of treason should be disqualified and also that persons against whom a conviction by a Criminal Court, involving a sentence of transportation or imprisonment for a period of more than one year is subsisting, should likewise be disqualified for a period of five years from the date of the expiration of the sentence unless the offence has been pardoned in the meantime.

XIII.—COMMERCIAL AND PROFESSIONAL SAFEGUARDS.

Commercial Safeguards.

47. With regard to Commercial Safeguards the Association desires to support the representations made by the Associated Chambers of Commerce. It would urge upon the Joint Select Committee the importance of this subject, inasmuch as it affects the whole future of British trade in India. The Associated Chambers of Commerce are dealing with the subject fully in their Memorandum, and the Association therefore contents itself with supporting wholeheartedly the views put forward.

Professional Qualifications.

48. With regard to Professional Safeguards the Association would also support the representations of the Associated Chambers of Commerce, but in view of the importance of the question to individual members of the community, desires to make more detailed comment. It considers that Proposal 123 of the White Paper does not adequately safe-

guard members of the European community at present exercising professions in India. It is admitted that reciprocity in this matter in regard to all the professions is difficult. With regard to barristers and attorneys, they are given leave to appear, plead or be enrolled under Rules made by Courts which are established by Letters Patent. With regard to the Medical profession, the matter is more complicated and legislation is now pending with the Indian Legislature on the question. With regard to Accountants, the Governor-General has power, which he has exercised, to make rules for the formation of an Indian Accountancy Board, which does at present provide that the members of the five Societies or Institutes of Chartered Accountants in the United Kingdom will be enrolled on the Register without the passing of any further examination. With regard to Engineering, European Engineers and Engineering firms have done much to encourage the provision of adequate facilities for training in India and it is not therefore surprising that the European members of that profession should desire the continued recognition of British qualifications in India. The Association therefore presses for the specific recognition of British qualifications in all the professions, either by a statutory provision covering the professions in the Constitution Act, or by a clause prohibiting the introduction of any Legislation cancelling or restricting the rights of practising professions in India existing at the time when the Constitution Act comes into force, or under qualifications obtained from institutions in the United Kingdom, unless its introduction is recommended by the Governor-General or the Governor with the assent of the Governor-General. Any such Bill should be reserved for the signification of His Majesty's pleasure thereon. It should also be laid down that any Rule made by any Court which would cancel or restrict the existing rights or status of British qualified barristers or attorneys should be *ultra vires*. The Association desires to point out that such provisions would affect many Indians who have received British qualifications in their professions, and who are apprehensive of the status of these qualifications in the future.

XIV.—CRIMINAL PROCEEDINGS.

49. The Association is strongly of the opinion that the present safeguards with regard to the trial of European British

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subjects in criminal cases should be incorporated in the new Constitution Act. These safeguards are as follows:—

(a) Section 65 (3) of the Government of India Act (1919) prohibiting the Indian Legislatures from making any law empowering any Court other than a High Court to sentence to the punishment of death any of His Majesty's subjects born in Europe or the children of such subjects.

(b) Section 275 of the Indian Criminal Procedure Code relating to the composition of Juries for the trial of European and Indian British subjects.

(c) Chapter XXXIII of the Indian Criminal Procedure Code containing special provisions regulating the procedure in criminal cases in which European and Indian British subjects are concerned.

50. The Government of India Act will be replaced by a new Constitution of India Act in which the existing Section relating to punishment by death should be repeated. With regard to the provisions of the Indian Criminal Procedure Code, it may be pointed out that these are the result of a report by a committee known as the Racial Discrimination Committee, and of an Act which was passed by the Indian Legislature in 1923, implementing the recommendations of that report and incorporating them in the Criminal Procedure Code in Section 275 and Chapter XXXIII.

The Association appreciates the fact that such legislation was passed by the Indian Legislature, but it is apprehensive that attempts will be made in the future to attack it. Since 1923, both in the Press and on public platforms in India, such threats have been freely expressed, and in one Provincial Legislature a prominent leader definitely attempted to reopen the question.

51. It is proposed in the White Paper that no legislation will be allowed to be introduced in the Federal Legislature which affects the procedure regulating criminal proceedings against European British subjects without the consent of the Governor-General in his discretion. It may be pointed out, however, that with the development of the Constitution and the increase of autonomy, it might become increasingly difficult for the Governor-General to exercise this safeguard. The underlying purpose of the White Paper is, it is understood, that as responsibility grows, the special

powers and safeguards possessed by the Governor-General will gradually fall into disuse. In the circumstances, therefore, the Association believes that the best safeguard for the permanent maintenance of the settlement in regard to the trial of European British subjects in criminal cases is to place these provisions in a Chapter of the Constitution Act itself, which can only be altered by Parliament.

XV.—THE LAW OF BRITISH NATIONALITY.

52. It is proposed in Paragraph 110 of the White Paper that it will be beyond the competence of the Federal or Provincial Legislatures to make any law affecting the law of British Nationality. This will not, however, prevent the Indian Legislature from introducing legislation which would define within the broader circle of British subjects the narrower class of Indian citizens. Reference is made to similar action which has been taken in Canada, where Canadian nationality is ascribed to all Canadian citizens as defined in the Immigration Act of 1910, to their wives, and to the children of Canadian nationals born out of Canada. Under the Act of 1910, a Canadian citizen is any person born in Canada who has not become an alien, any British subject domiciled for three years in Canada, and any nationalized alien who has Canadian domicile. In the Irish Free State, a citizenship was created which limited political rights to those who were born in Ireland or either of whose parents were born in Ireland, or who had resided for seven years in the Free State. Similar legislation in India might entail grave disabilities on British subjects domiciled in the United Kingdom and resident in India, and the Association would strongly urge that provision should be made that if the Indian Legislatures desire to enact such legislation, it shall not affect British subjects resident in the country, and that any attempt at placing them under any disability shall be *ultra vires*.

XVI.—HIGH COURTS.

53. In the White Paper, it is proposed to place the administration of the Calcutta High Court under the control of the Provincial Government. This will mean that all the High Courts, which are now, for administration and finance, under the control of the Governor-in-Council, will in future be

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[Continued.]

placed under the Governor acting on the advice of a responsible minister. In other words, all High Courts will be under the administrative and financial control of the Provincial Governments. The Association agrees that the present anomaly whereby only one High Court (i.e., Calcutta) is under the Government of India for certain administrative purposes, should be removed, and supports the recommendations of the Indian Statutory Commission that all the High Courts (including the Chief Court of Oudh and the Courts of the Judicial Commissioners of the Central Provinces and of Sind) should be placed under the administrative control of the Central Government. This would mean that the cost of the establishment, buildings, etc., of the High Courts would be a charge on Central Revenues and this charge would be met, at any rate in part, by making High Court fees a federal source of revenue.

54. The centralising of the High Courts would help in co-ordinating and making more uniform the general administration of the Courts, would remove appointments to them from local political and communal influence, would lessen the unfair attacks on their administration by the legislatures, and would better safeguard their financial resources. The Association is most anxious that the great traditions set by the work of the High Courts in the past should be maintained, and that they should be safeguarded against even the suspicion of political or communal pressure.

55. With regard to the appointment of Judges, the White Paper proposes to abrogate the rules which lay down that one-third of the Judges of a High Court should be composed of Barristers or Members of the Faculty of Advocates in Scotland, and one-third should be composed of members of the I.C.S. The Association realises that this is the result of an agreement by the Federal Structure Committee, but is strongly of the opinion that the supply of High Court Judges recruited from the United Kingdom should not cease for some time. It emphasises the importance of the presence of Judges on the Bench who have been trained and have practised in English or Scottish law, and wishes to assure the continuance of a certain proportion of men with such traditions. With regard to the supply of Judges from the I.C.S., the Association, while not pressing for a

continuance of the same proportion of one-third in the High Courts, recommends that some Judges should be appointed from that service. It considers that the knowledge possessed by members of the Judicial side of the I.C.S. of District work, local laws and customs and of criminal procedure to be a most valuable asset which should be retained.

XVII.—SUPREME COURT.

56. The Association views with interest Paragraphs 163-167 of the Proposals relating to the establishment of a Supreme Court of Appeal for British India, though it may be observed that the additional expense involved in such a proposal should be postponed until the financial position in India becomes clearer. Detailed comment is reserved until such time as the necessary legislation is placed before the Federal Legislature. The Association, however, desires to state definitely that it is of opinion that appeals from the Supreme Court to His Majesty in Council should be allowed in criminal as well as in civil cases by special leave or otherwise. This is a matter which the Association considers to be of great importance to Europeans in India, particularly to those in small scattered communities throughout the country. India will not, for many years, be free from these racial and religious divisions which render so necessary a final appeal to the calm and unprejudiced judgment of the Privy Council, and it is not likely that such appeals will be made without sufficient cause, owing to the expense and delay involved thereby.

XVIII.—LOCAL TAXATION.

57. The Association would draw the attention of the Joint Select Committee to the danger, which is at present evidenced in Taxation by local bodies in India, of allowing the duplication of the imposition of the same tax by various authorities, and of permitting the levy of local taxes at differential rates on particular areas in which certain classes of the community reside.

58. With regard to the first point, local bodies in the Province of Madras are at present empowered to impose a tax on professions, and the method employed is by imposing what in effect is a Surcharge on Income Tax. In other words, a person pays a tax on his Income to the Central Government, plus an Emergency Surcharge to the same

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[Continued.]

authority, plus a further Surcharge to a Municipality or District Board. Under the Proposals of the White Paper, he will be liable to pay a still further Surcharge to the Provincial Government. The danger to which attention is called affects not only the members of the European community but also one member of the Indian communities. It involves, however, considerable hardship to registered Companies and the salaried classes and the Association would draw the special attention of the Joint Select Committee to the recommendations of the Associated Chambers of Commerce in this connection.

59. With regard to the second point, it is apprehended by certain Branches of the Association that local bodies with power to levy taxes or Octroi duties may use that power to discriminate against residents in certain local areas by imposing differential rates. Such discrimination should be prohibited and the Association trusts that in dealing with the classification of subjects this matter will receive attention.

XIX.—GOVERNORS DEPARTMENTAL ADVISOR.

60. In view of the heavy responsibilities which are to be placed upon the Provincial Governors, the Association considers that it is important that the provision to be made for machinery whereby he may be kept informed as to developments in the Province within his charge is a matter of very great importance. It is not proposed in the White Paper that he should be provided with a Counsellor who should be in a position to give him experienced advice. This possibility may be considered by the Joint Select Committee, though there are obvious objections to a special appointment of this nature. It has been suggested that care should be taken that the post of Private Secretary to the Governor should in the future be filled by a senior officer with wide experience. It has also been suggested that the Chief Secretary to the Government should be the Secretary to the Cabinet and should have free access to the Governor in connection with the work of the Cabinet. This arrangement is, it is understood, at present in operation in one Province and appears to work satisfactorily. The Chief Secretary is closely in touch with the work of all departments, and as Secretary to the Cabinet is kept informed of all

Cabinet decisions and discussions. He therefore is in a particularly valuable position to advise the Governor.

The Association does not make any specific recommendation, but contents itself with urging general importance of providing for experienced advice to be available to Governors.

XX.—COLLECTIVE RESPONSIBILITY OF CABINETS.

61. The Association desires to draw attention to the fact that no mention is made in the White Paper that Federal and Provincial Ministers must be responsible collectively and not individually to their Legislatures. In other words, each member of the Ministry should be required to accept responsibility for the whole policy of the Government. This is provided for in the Second Report of the Federal Structure Committee and in the Report of the Provincial Constitutions Sub-Committee of the Round Table Conference. The Association is anxious that this point should not be overlooked, and that reference to it should be made in the Report of the Joint Select Committee.

XXI.—SECRETARY OF STATE'S COUNCIL.

62. The Association notes that many of the functions of the Secretary of State in Council will, under the Proposals in the White Paper, be delegated to the Governor-General and Provincial Governors and that it is proposed to reduce the size of his Council. The Association would urge upon the Joint Select Committee the importance of securing that the members of the Council of the Secretary of State should be men with recent knowledge of India and to that end would suggest that these members appointed from India, whether official or non-official, should be appointed within one year of their leaving India.

It would further support the recommendation in paragraph 255 of the Indian Statutory Commission Report that no member appointed on account of his Indian experience should be eligible for re-appointment.

XXII.—ANGLO-INDIAN EDUCATION.

63. The Association notes with satisfaction Paragraph 101 of the Proposals of the White Paper in which it is intended to safeguard by Statute the provision for the education of the Anglo-Indian and Domiciled European community in the future. The Association

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would however, point out the necessity for a clear understanding of the words "three-fourths of the members having voted" and desires to express the view that it should be made plain beyond any doubt that "three-fourths of the Members" refers to the total membership of the Legislature whether present or not at the time of voting. Any other interpretation of this wording would rob the Clause of its protective significance.

NOTE.—Owing to reasons of economy certain paragraphs have not been printed. The appendix to the memorandum (Mr. T. Gavin-Jones on Law and Order) is printed in the minutes of evidence of 12th July.

MEMORANDUM 30. FROM SIR WILLIAM MCKERCHER AND F. W. HOCKENHULL.

Memorandum of Evidence to be given by us, Sir William McKercher, late Chairman Assam Branch Indian Tea Association, and Mr. F. W. Hockenhull, M.L.C., Assam, who have been nominated for such purpose, not only by the Assam and Surma Valley Branches Indian Tea Association, but also by the Members of the Assam Legislative Council representing the Tea Industry in Assam.

The Province of Assam comprises 67,334 square miles with a total population of 9,247,857 inhabitants. The rural or agricultural population constitutes 97½ per cent. of the whole.

Having regard to the importance of the Assam and its potential capacity for development it is very strongly felt that the Province has not in the past received the financial assistance to which it was entitled.

The important part played by the Tea Industry in the development of Assam is indisputable as appears from the following facts:—

Of the total cultivable area about 1/5th is included in tea grants.

There are more than 1,000,000 people engaged in or dependent on the Tea Industry. Over and above this 1,000,000, the Tea Industry has assisted in the colonisation of the Province to the extent of 500,000 ex-tea garden labourers who are now settled there on what was waste land.

The revenue of the Province is very substantially contributed to by the Tea Industry and in addition large sums are paid by the Industry to the

3730. Sir William McKercher, you are late General Manager of the Amgoorie Tea Estates, Limited, with 38 years' service ending in December, 1931?—(Sir William McKercher.) Yes.

3731. Mr. Hockenhull, you are a Member of the Legislative Council in Assam?—(Mr. Hockenhull.) Yes.

3732. The first five gentlemen whose names I have mentioned are here to speak to the Memorandum of the European Association, and the last two, Sir William McKercher and Mr. Hockenhull, are here in particular on behalf of the tea industry in Assam?—(Sir William McKercher.) Yes. The Memorandum of the Assam Branch of the Indian Tea Association is as follows:—

Central Government in respect of Income Tax, Super Tax, Customs, etc. In fact the contributions made by the Industry to Central and Provincial revenues amount in the aggregate to a sum equivalent to 20 per cent. of the Provincial revenues.

Furthermore the Indian Statutory Commission stated "the tea industry is the outstanding feature in the development of the Province." In addition it was stated that the tea industry "has mainly led to the repopulation of the Assam Valley and to the reclamation of fertile tracts from jungles."

The above encourages us to believe that we are competent and in a position to state the case for Assam and the Industry we represent.

Except for the few heads of evidence upon which we ask to be heard, we should, at the outset, like to say that the proposals in the White Paper so far as they affect Assam meet with general approval.

On behalf of the Industry which we represent we desire to state in the most emphatic manner that adequate financial arrangements are essential for Assam if it is to exist as an autonomous unit.

The adequacy or otherwise of the financial settlement must be judged in the light of:—

(1) The absence of (a) a High Court; (b) a University, and (c) an Agricultural College.

(2) Its paucity of Educational facilities (Cf Expenditure of Rs. 16 per scholar in Assam—Rs. 44 in Burma).

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[Continued.]

(3) Inadequate communications, retarding developments (Cf Metalled roads Assam 10½ miles per 1,000 sq. miles—Madras 151 miles per 1,000 sq. miles).

(4) Cost to the Province of Frontier maintenance.

(5) Its paucity of hospital and medical facilities.

(6) The province has been insolvent for years in consequence of which its development has been retarded to a greater extent than any other Governor's province. Such condition of insolvency has been due or largely due to lack of adequate representation at the Centre in the past.

With the foregoing circumstances in mind we will now deal seriatim with the various heads of evidence set forth in the application to the Joint Select Committee to hear European witnesses on behalf of the Tea Industry in Assam.

1. *Federal Legislature.* Composition of the Chambers.

(White Paper para. 26, p. 43.)

Council of State.—Of the seven seats reserved for Europeans it is considered one should be allotted to Assam.

EVIDENCE.

There seems little doubt from the proposed method of election that Assam would be assured of one of these seats. Any doubt as to this however should be removed by having one seat definitely allocated to Assam in the Statute. Such definite allocation is supported by the European Association.

2. *House of Assembly.* (Para. 29, p. 44.)

It is considered one European Planting Seat should be allotted to Assam.

EVIDENCE.

The importance of the Tea Industry to the Province of Assam has been appreciated and acknowledged by the Government of Assam and the Provincial Franchise Committee, in their recommendations. Further, the Indian Franchise Committee says "We propose that in future all commercial representation should be concentrated in the Assembly." (Vol. I, para. 421, p. 168.) While the Communal Representation is fairly maintained and Labour has been allotted one seat, there appears to be no recognition of Assam Commerce, Industry, Mining or

Planting. The Tea Industry presses for a readjustment of this inequality.

	Planting, etc.	Labour.	White Paper.
Provincial Representation.	11	4	Appendix III.
Central Representation.	Nil	1	Appendix II.

3. *Working of the Provincial Executive.* (Para. 66, p. 54.)

Law and Order.—The question whether this subject should be under the direct control of the Governor or transferred to a Minister subject to the Legislature is now under consideration. In either case it may be necessary to adduce evidence on the subject.

EVIDENCE.

Memorandum of 11th October, 1928, of the Indian Tea Association to the Simon Commission recommended transfer of Law and Order should not be made, but that it should remain in the direct control of the Governor. In modification of this, the present opinion clearly favours transfer to popular control subject, however, to the proposed safeguards specified in the last sentence of para. 47, p. 24 of the White Paper being given effect to.

4. *The Provincial Legislature.* (Para. 74, p. 57.)

It is considered essential that the Legislature in Assam should be bicameral.

EVIDENCE.

The interests we represent made a recommendation to the Simon Commission in favour of a second chamber. These interests are definitely of opinion that there should be a second chamber. Such a second chamber, which need be only of small dimensions, would act as a safeguard against hasty or insufficiently considered legislation. Such second chamber should include members who have substantial vested interests in the Province. In September, 1932, the Assam Legislative Council were equally divided on this subject.

5. *The composition of the Provincial Legislature.* (Para. 79, p. 58.)

Assam Assembly.—Planting representation should be in its existing proportion, namely, one-eighth of the elected members, or 13 seats in an Assembly of 108 members.

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[Continued.]

EVIDENCE.

Of the present Legislative Council of Assam, which comprises 39 elected members, 5 seats are allotted to the Tea Industry. That means that the proportion of tea seats to other elected seats is as 1: 8. It is very strongly felt that this proportion at least should be maintained. The White Paper does not satisfactorily deal with the question of representation; one possible result being that the tea industry, important as it is, may be left with inadequate representation. This throughout the province is felt by all shades of opinion to be unfair to the Industry and prejudicial to the best interests of the Province.

The importance of the maintenance of the present proportion, namely, one-eighth, is very widely recognised, as is clear from the following recommendations.

1. *The Government of Assam.*

(a) in their Memorandum to the Indian Statutory Commission.

(b) in their letter of 19th February, 1932, to the Indian Franchise Committee.

2. *The Assam Provincial Committee* (consisting wholly of Indians except for 1 European) appointed to collaborate with the Indian Statutory Commission.

3. *The Assam Franchise Committee* (consisting of 4 Europeans, 6 Hindus and 4 Moslems) as set out in Appendices 1 to 5 of their 2nd Report.

No. of seats recommended.

7 in a proposed House of 60 elected members.

One-eighth of the elected members (2 seats being reserved for Indians).

13 (2 seats being reserved for Indians).

Between 10 and 13 seats (2 seats being reserved for Indians). Besides these the Hindus and the Moslems recommended 1 seat for European Commerce and Industry.

Assuming as we do that 13 seats will be allocated to the tea industry in the new Legislative Assembly we may mention that of the persons elected to these seats, 2 will be Indians.

6. *Allocation of Revenues.*

(Para. 56, p. 52, and paras. 138 to 141, pp. 74 and 75).

(a) It is considered the whole of the Excise Duty on motor spirit and kerosene received by the Government of

India from the Assam Oil Co. Ltd. should be allotted to the Province of Assam.

EVIDENCE.

It is not equitable that Assam should be debarred from enjoying for its own benefit the excise duty on motor spirit and kerosene obtained from the crude oil produced in the province. Such crude oil is a natural product and it is contrary to natural justice that a particular locality should not enjoy the full benefit of its own natural resources, especially as the revenue and capital of the Province itself (to which any contribution made by the Centre has been very inadequate) have been used in the development of these natural resources. We are all the more encouraged to emphasise the above in the very special circumstances applicable to Assam, since whilst in the past such excise duty has gone to and benefited the Centre, no corresponding or countervailing benefit from the Centre has been afforded to Assam, a point of especial significance to Assam in the light of the heads of evidence 6e and 7 which follow.

The excise duty is apparently regarded as a tax on revenue. This as applied to a tax on oil is not correct. Oil extracted is not replaced, so that each gallon of oil extracted represents so much capital loss and in this sense the excise duty is a tax on capital and not on revenue. The argument therefore that such duty should belong purely to the Province becomes all the more unanswerable.

(b) Duties on property passing on death (other than land) and net revenues of which are by para. 138 assigned to the Governor's Provinces may not benefit Assam owing to Section 273 of the Indian Succession Act, 1925.

EVIDENCE.

Under sec. 273 of the Indian Succession Act, 1925, Probates and Letters of Administration granted by the District Judge, only have effect beyond the limit of the Province if the Judge certifies that the value of the property and estate affected beyond the limits of the Province does not exceed Rs. 10,000. The result of this is that in the case of Assam, in cases where the value of the estate in question beyond the limits of Assam exceeds Rs. 10,000, application for Probate or Letters of Administration has to be made to the High Court, Calcutta, to whom at the present time Court fees, in the shape of succession duty, on the net

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value of the estate has to be paid and therefore the Government of Bengal benefits to the total exclusion of Assam where the deceased abode, or held property.

No objection is taken to the fact that Probate or Letters of Administration must be taken out in Calcutta, but Assam should have the benefit of the fees in respect of death duties so paid in Calcutta.

(c) It is considered the Provinces should not have the power to impose surcharges on taxes on income, as suggested in Appendix VI, List I, No. 49.

EVIDENCE.

Surcharge is merely an increase of Income Tax. The latter is a matter for the Centre and therefore surcharge should also be dealt with by the Centre. In any event, the view of the interests which we represent is that surcharges on income are unquestionably a matter for the Centre.

Surcharges on the rental value of tea lands are precisely in the same category.

(d) The question whether "Taxes on agricultural incomes" should be allocated to List I or II of Appendix VI is under consideration and evidence on this question may have to be adduced.

EVIDENCE.

The power to tax agricultural incomes is, according to No. 11 of the annexure to List II of Appendix VI of the White Paper, assigned exclusively to the Provincial Legislature. Such power is, in the view of the interests we represent, rightly vested in the Provincial Legislature and objection would be taken to any suggestion that such power should be given to the Centre, as has, we understand, been suggested from other sources.

(e) Evidence will be adduced to prove conclusively that Assam is, and has been for years, insolvent, that in consequence its development has been retarded to a greater extent than any other Province, that it is therefore a deficit Province and entitled to a substantial subvention as mentioned in paragraph 59, page 30, and paragraph 144, page 75, of the White Paper, and finally, that unless such subvention is received it will be impracticable to start the new Government of Assam on a stable basis, thereby necessitating the reconsideration of the position referred to in the third paragraph of paragraph 32, page 17, of the White Paper.

EVIDENCE.

Assam is and has for some time been in a state of insolvency; and the case for Assam is correctly put in that part of paragraph 59 of the Introduction to the White Paper which says: "Some of the existing Provinces, notably Assam, are likely to need assistance for a time."

We bring the following facts to the knowledge of the Committee:

The forecast of the Federal Finance Committee (Table II, p. 9) put the Assam deficit at	65 lakhs
This forecast was based on a revenue of	244 lakhs
The current year's estimated revenue is in fact only ...	207 lakhs

During the years 1921-22 to 1930-31, the maximum revenue of Assam in any one year was Rs. 273 lakhs and the minimum Rs. 181 lakhs. The estimate for 1933-34 is Rs. 207 lakhs.

During the same years on five occasions there was a deficit varying from 1½ lakhs to 34½ lakhs.

The estimated deficit for 1932-33 is 16 lakhs and for 1933-34, 30 lakhs.

During the last 10 years Assam contributed to the Government of India 97 lakhs under the Meston Settlement, Bengal and Bihar and Orissa contributing nothing.

The loss on the administration of the Backward Tracts, including the North-East Frontier, amounts to approximately 10 lakhs per annum.

In 1929 the Government of Assam had to advance 33 lakhs in agricultural loans gratuitous relief, on account of disastrous floods, most of which are irrecoverable.

Owing to the economic crisis the Government of Assam reduced the Land Revenue in 1932 by 15 lakhs per annum.

Debts to the Provincial Loans Fund with the Central Government consist of the accumulated total of 39 lakhs on account of Provincial Overdrafts and 56 lakhs on account of the two Road Board programmes, both of which have been closed down owing to financial stringency.

Apart from the contribution from its meagre revenue to the Government of India of (1) 97 lakhs under the Meston Settlement and (2) for many years an annual sum of 10 lakhs for carrying out the duties of the Central Government in administering the Backward Tracts, the Province of Assam contributed: (1) through the Tea Industry to the Government of India, from 1916-17 to 1927-28.

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its share—say 60 per cent.—of approximately 550 lakhs on account of the Export Duty on tea; (2) thereafter in respect of Income Tax a sum which the Federal Finance Committee estimated in 1932 at 29 lakhs per annum; (3) large sums in respect of customs duty on imported tea garden, oil and coal machinery and stores, and (4) larger sums through the Assam Oil Co. in respect of excise duties on petrol and kerosene, which in 1932 alone amounted to the enormous sum of 123 lakhs, or 60 per cent. of the estimated receipts from Revenue heads for 1933-34.

The Excise Revenue from Opium was in 1928 about 32 lakhs (*vide* Government of Assam's Memoranda to the Simon Commission, Chapter IV, para. 42, page 362) and, owing to the present Government policy of a 10 per cent. annual reduction in the consumption of opium eaters below 50 years of age, it has been reduced in 1933-34 to 18 lakhs. If the present policy (as to the merits of which we say nothing) is continued there will be a very large decrease in this revenue.

Finally, Assam has to date received no consideration from the Government of India or Secretary of State regarding representations to participate in the third Round Table Conference and the Joint Select Committee. Assam was represented at the first and second Round Table Conferences, but, in spite of repeated representations, she was not allowed to send a representative either to the third and most important Round Table Conference or to the Joint Select Committee, whereas Bengal has no less than six members who will look after her interests before the latter.

It is therefore emphasised that special consideration should be given to the foregoing points by the Committee.

7. Borrowing Powers. (Para. 149, p. 76.)

Assam now has an outstanding loan of the nature described in para. 149 (a), which there is no prospect of repaying for many years. It is considered, therefore, there is no hope of her exercising these powers unless the loan is wiped out prior to the inauguration of the new Constitution, or the suggested consent of the Federal Government to further loans is eliminated.

EVIDENCE.

Debts to the Provincial Loans Fund with the Central Government consist of the accumulated total of 39 lakhs on

account of Provincial Overdrafts and 56 lakhs on account of the two Road Board Programmes. There is practically no possible prospect of the outstanding loans being paid for many years.

Our recommendation is that these loans should be cancelled prior to the inauguration of the new Constitution. Failing this Assam will in the circumstances apparently be excluded from borrowing as the power to borrow for any Provincial revenues will be dependent on the consent of the Federal Government.

3733. Sir William McKercher, do you and Mr. Hockenhull subscribe to everything that is in the Memorandum which is now put in by the European Association?—No, I do not think we do. Practically we may, but I do not think we do entirely. We represent Indian members of our Association. In addition to the European Members of the Tea Association, we have 39 Indian Members or Indian concerns, so we are not entirely with the European Association.

3734. But generally you subscribe to that Memorandum?—Yes.

3735. Since your Memorandum was first handed in and circulated a letter signed by Mr. Graham who is Chairman of the Indian Tea Association has been addressed to the Secretary of State. That has been duplicated and circulated to the Committee?—Yes.

3736. Who will speak as principal witness on behalf of the European Association?—(Mr. James.) I will, my Lord Chairman.

3737. Do you desire at this stage to amplify, or to make any corrections in your Memorandum?—No, my Lord Chairman, not at this stage.

3738. There are just one or two matters in the Memorandum to which I should like to draw your attention. In paragraph 6 (b) you are making a suggestion that the unfilled States seats should be filled by nomination until the complete accession of the States, and about half-way down paragraph (b) you talk about the Crown nominating persons to the unfilled seats in the Federal Legislature. What persons do you suggest should be nominated?—That would be left entirely to the discretion of the Crown, and we do not wish to suggest any particular class or type of person who should be nominated.

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3739. Do you mean they might be from British India or from the States?—It is conceivable that they might be from British India or from the States.

3740. Whom would they represent; merely those who nominate them?—They would represent really the Crown.

3741. Who is it exactly who, according to your suggestion, would nominate these persons? Who would nominate them?—Presumably the Governor-General would nominate them.

3742. In your Memorandum, paragraph 23, you make various recommendations in connection with the Indian Medical Services. Is it your suggestion that provisions to meet your suggestion there should be put into the Bill?—We recognise that it is a very difficult matter, and Mr. Page will give detailed evidence on the question of European hospitals. We are not prepared to make any specific recommendation as to what should be done. We merely draw the attention of the Joint Select Committee to this question.

3743. In paragraph 31, you are urging there your views that Second Chambers are desirable. Earlier in your Memorandum you have urged upon the Committee in general terms the need for economy. In paragraph 31 you say that the provision of Second Chambers would “involve no serious additional expenditure, provided the size of both Houses is restricted to a reasonable figure.” Have you formed any view as to what the cost of Second Chambers may be?—No, because the cost naturally would vary according to the Provinces. A good deal depends on the travelling and other allowances, and on the size of the Second Chamber. We have not made any calculation as to the additional cost of Second Chambers, but our evidence should be taken in conjunction with our remarks in connection with the size of the Legislatures generally, and particularly in connection with the proposed increase of the franchise.

3744. You have not attempted to calculate the cost of a Second Chamber in any one province?—No, my Lord.

Sir Austen Chamberlain.

3745. In paragraph 7 of your Memorandum you make a suggestion that there should be provision in the Constitution that English should be the official language of the Federation. Am

I right in thinking that English is at present the language of the Central Legislature?—Yes.

3746. There would be no innovation in that therefore?—No.

3747. It would merely be the confirmation of an existing practice?—Yes.

3748. And your view is that otherwise there is such a diversity of language that it would be impossible for members of the Legislature to understand one another?—That is one of the considerations.

3749. What are the others which you urge?—If you turn to paragraph 9 you will see that it is feared that possibly for political reasons an attempt might be made to impose a particular language as the language of the Federation.

3750. In fact you are afraid of the example of the University which you quote spreading to the Legislature?—That is, in fact, the fear, yes.

Sir John Wardlaw-Milne.

3751. Is it the case that no speech can be made in the vernacular in the Legislative Assembly if a member is unable to speak in English?—No, a member can speak in the vernacular if he cannot express himself in English.

Sir John Wardlaw-Milne.] I think that ought to be cleared up in connection with Sir Austen Chamberlain's point.

Sir Austen Chamberlain.

3752. Is any provision made in such a case for interpretation?—No, but in the proceedings of the Legislature a translation of the member's speech appears in English.

3753. Now I want to turn to the question of the Police. In paragraph 12 and several other paragraphs it is dealt with; it is dealt with in paragraph 12 and Section VI of the Witnesses' Memorandum. In the first place, I understand that you are prepared, subject to what you think are the necessary safeguards, to approve the transfer of law and order to the autonomous governments?—Yes, subject to the safeguards.

3754. The first safeguard—let me take first one safeguard—is this: Am I right in understanding that you attach enormous importance to some provision which would protect the Police Force against political interference in the daily discharge of its duties?—Yes.

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3755. Would you be satisfied that the Inspector-General should be under the control of the Minister, provided it was clearly understood that the ordinary day to day disciplinary control and administration rested with the Inspector-General, subject to the broad lines of policy laid down by the Minister?—I think at this stage, if my Lord Chairman would permit me, I should like to make a very brief statement, which perhaps may clear the issue as far as Sir Austen Chamberlain's question is concerned. In paragraph 13 we state that all police activities dealing with subversive and terrorist movements should be placed under the supervision of the Governor-General, a supervision which would operate through the Governors in the respective Provinces. Since this Memorandum was presented to the Joint Committee, the matter has been further considered and it is thought by some of our representatives that it is almost impossible to separate the special branch from the ordinary C.I.D. Therefore a proposal has been put forward to federalize the whole of the C.I.D. and its special branch and to take them out of the Provincial sphere.

Marquess of Salisbury.

3756. That would be of all the Provinces, not merely of Bengal, you mean?—Of all the Provinces. That would in fact make the Inspector-General for that particular purpose a Federal Officer. Mr. Page, who represents Bengal, will explain this proposal in detail if required, and I wish to make it quite clear that the Association as a whole does not pledge itself either to that suggestion or to this suggestion because we consider that is a question on which the expert evidence of those who are principally concerned, namely, the Police, should be taken. What we do wish to make clear is that we are prepared to accept the transfer of Law and Order to Ministers responsible to the Legislatures, only on condition that the machinery for dealing with terrorist and subversive crimes is fully safeguarded; that the Police and their agents are fully protected, and that there will be no weakening in the control of the Inspector-General of Police and his officers over their own forces. That is why we say we place these proposals before the Joint Select Committee, but we do not tie ourselves down to advocating any particular proposal above another. We feel that that is a

matter on which the Joint Select Committee should be greatly guided by Police evidence.

Sir Austen Chamberlain.

3757. I am much obliged for that statement. I would like to make sure that I understand it. I apprehend that you draw a clear distinction between the special Police measures required to deal with terrorist and anarchical movements and the ordinary Police measures of the country?—Yes.

3758. Take first the ordinary Police measures of the country: I understand that you are prepared to transfer to a Minister the responsibility for them subject to a safeguard against political interference by him with the discipline and ordinary administration of the Force?—Yes.

3759. Now take the terrorist movement: I understand that you would like to see special Police Forces and measures required to deal with terrorist or anarchical conspiracy reserved to the discretion of the Governor-General acting through the Governors of Provinces?—Yes.

3760. Am I right in thinking that if that measure were taken, you would desire it to be of general application?—Yes.

3761. And it would therefore avoid the contingency which you mention towards the end of paragraph 12, of having to make special provision for the single case of Bengal?—Yes.

Marquess of Zetland.

3762. I think there is a point in doubt there. I understood you to say that you want not only the special branch, which is mainly concerned with Bengal and the terrorist movement, reserved to the Governor-General, but you wanted the whole of the Criminal Investigation Departments in all the Provinces reserved to the Governor-General. Was not that so?—I would put it forward in this way, that since this Memorandum was put in, the matter has been further considered, and it is the opinion of many that it is extremely difficult to separate the activities of the Police in regard to terrorist and subversive movements from the ordinary C.I.D. work.

3763. Quite so?—Therefore, if I may just continue, if it is not possible practically to make that separation, then

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those who have examined this question feel that the whole thing should be federalised.

Sir Austen Chamberlain.

3764. I thought I had got the position clear, but my noble friend's questions have rather altered it again. May I just ask on the answer to his question, what do you mean by "the whole thing should be federalised"?—The whole C.I.D.

3765. But not the ordinary Police?—No, not the ordinary Police.

Marquess of Zetland.

3766. I think Sir Austen was under a misapprehension; I think he thought you were referring only to the special branch which deals with terrorism and anarchical movements. I realised that you did not intend to confine yourself to the special branch, but your suggestion was that the whole of the C.I.D. in all the Provinces should be federalised. That is correct, is it not?—That is right, if it is not possible to effect the separation which I have mentioned.

Sir Samuel Hoare.

3767. May I just clear that answer up a little bit further? When you say Federalised, what exactly do you mean? Do you mean brought under a Federal Minister of the Federal Government, or do you mean brought under the Governor-General, acting at his discretion as the agent of the Crown?—Brought under the Governor-General, acting in his discretion, as a special responsibility.

Marquess of Salisbury.

3768. So that the agents of that body would be under the Governor-General's orders and not under the orders of the Local Government?—Yes, that is so.

Sir Samuel Hoare.] Or of the Federal Government?

Marquess of Salisbury.

3769. Under the Governor-General, in his discretion?—Yes.

Archbishop of Canterbury.

3770. You said just now you would leave it to the Governor-General's special responsibility. Do you consider that what you desire would be sufficiently achieved through the provisions made in

the White Paper for the Governor-General's exercise of his special responsibility?—We think the obligation resting upon the Governor-General should be specific in regard to this matter.

Marquess of Reading.

3771. You are not putting this, as I follow you, with regard to the C.I.D., on the special responsibility of the Governor-General, which only brings him in in case certain things happen, but you want to draw a definite line and say that the C.I.D. should be under the special care of the Governor-General, and if I follow you correctly (please tell me) should be reserved to him?—Yes.

3772. It is a reservation to him, to put it bluntly, just as the Army is?—Yes.

Lord Chancellor.

3773. I only wanted to ask a question or two on this paragraph 15, but they really have been anticipated by the questions which have been put by Sir Austen Chamberlain and the Noble Marquess of Zetland. I understand that what you propose (I have much sympathy with it) is that the C.I.D. should be an exception from the general terms of Law and Order?—Yes.

Mr. Butler.

3774. May I just refer to the extra Memorandum which has been circulated, signed by Mr. Graham, the Chairman of the Indian Tea Association. I notice the date of this Memorandum is the 4th July, 1932?—(Mr. *Hockenhull*.) This was sent in last year.

3775. Would you accept the communal award that has been given by His Majesty's Government since that date, and is set out in Appendix II of the White Paper?—We are still pressing for the representation that we originally claimed.

3776. Do you accept that the 11 seats which have been allotted to Assam in the White Paper go some way to meet your claims as set out in this Memorandum?—Yes, we do admit that it goes some way, but not wholly.

Viscount Burnham.

3777. Mr. James, do I understand by your answers to Sir Austen Chamberlain and to other members who have been questioning you, that you hold, that in every Province, not only in Bengal,

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Police administration should be divided into two parts, the ordinary Police administration as now being localised in the Province, and the C.I.D. being directly under the Governor-General, and that it would, not only apply to the Intelligence Branch in Bengal, but would apply equally in the other Provinces?—(Mr. James.) Any proposal we make we wish to make as affecting every Province.

3778. Equally?—Equally.

3779. I understand that. Then when you talk of being under the Governor-General, do you mean under the Governor-General in Council, or under the Viceroy, as part of the Defence Forces of the country? I ask that because I see that in your Memorandum you state that the Federal Government of India must be ultimately responsible for conditions of internal security throughout the country, but I do not understand whether you mean that the Police administration, so far as the C.I.D. goes, should be under the Governor-General as Viceroy, personally, or under him, as the head of the Federal Government?—Under the Governor-General, in his discretion.

3780. That is in person?—Yes.

3781. Then I should like you to turn, if you would, to the Financial paragraphs of your Memorandum, dealing with the cost of the proposed Reforms. You think that it has been very much under estimated, I gather?—We do not think that the full cost has ever been adequately estimated. There have been estimates as to the cost of the increased franchise, but I do not think that the Provincial Governments have yet been able to estimate the full cost of the Reforms, taking into consideration all the factors that we have mentioned.

3782. You mention £450,000 as the initial cost of introducing the new Government into the Provinces, the cost of a general election under the new franchise?—Yes.

3783. Then you emphasise that there is to be a large capital expenditure necessary in altering, for example, the size and equipment of the new Legislative Chambers?—Yes.

3784. May I ask, when you say, as you do in paragraph 5, at the bottom, that: "the emergency surcharges must not be taken into account, as the Government of India is pledged to remove them at the earliest possible date," whether you

wish to emphasise anything in regard to what: "the Association wishes, therefore, to make it clear that in estimating the future Central and Provincial budgets, the emergency surcharges must not be taken into account" and whether you would explain how much that would amount to?—I have not the figures here of the Government of India's budget, so that I am not in a position to say exactly what amount is realised by those emergency surcharges. Our general point is that, in considering the expenditure of the future, the whole question should be considered without reference to the amount which is now realised through the emergency surcharges.

Lord Hardinge of Penshurst.

3785. In paragraph 10 you say: "The Association has, in the past, declared its opinion that the transfer of responsibility in the Provinces should be dependent upon"—and then come (a), (b) and (c). (c) is: "The presence of such co-operation in the Provinces as would secure stable Government." Then about two paragraphs lower down you draw attention to the existence of a political organisation, and you also refer to Bengal. Do you contemplate the possibility of responsibility being given to some Provinces and withheld from others? What would be the position, for instance, of Bengal, if responsibility was withheld from that Province?—We do not contemplate responsibility being given to some Provinces and not to others, provided that the safeguards which we outline are inserted in the Constitution Act. The paragraph to which you have made reference refers to a general statement, and is used to illustrate the apprehensions of the community in regard to the presence of certain elements in the country, particularly in Bengal.

3786. This suggestion of yours is not intended as a practical suggestion, it is merely as a reason for the importance of certain safeguards?—Yes, that is so.

Mr. Cocks.

3787. Mr. James, in paragraph 6, you express the view that the period between the establishment of Provincial Governments and a Federal Government should not be unduly protracted. What is the period you have in mind that you think would be desirable?—The full period that is required for putting into effect the

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prerequisites that are laid down in the White Paper to the completion of the Federation.

3788. Have you any particular period in mind, in terms of years?—I am afraid I have not.

3789. In paragraph 12 you say that you are aware of the difficulties that may arise if the administration of the Police is placed in the hands of the Minister, but you are of opinion that, subject to the additional safeguards suggested, the difficulties would be greater if the Department is not transferred. Now suppose the Committee considered that the safeguards in the White Paper were sufficient and that the additional ones suggested by you were not necessary, would you still be of opinion that Law and Order should be transferred?—That is, if I may say so, a hypothetical question which we should answer at the time of the publication of the Joint Select Committee's Report. Our position at the moment is that we believe the safeguards that we have put forward to be essential. If we are unfortunate enough not to be able to convince the Committee as to the safeguards, then we shall have to consider the position when that time arrives.

3790. You are not prepared to make a statement now?—I should not be prepared to pledge the Association to any particular point of view in advance.

Lord Snell.

3791. Does Mr. James feel that the proposed safeguards, in addition to being essential, are sufficient?—If the safeguards which we claim are essential are accepted, we shall be satisfied.

Major Atlee.

3792. In paragraph 4 you advocate smaller Legislatures both in the Provinces and at the Centre. You realise that that will mean very large constituencies?—Yes.

3793. Do you think, under those circumstances, there will be any reality in the representation, if you have very large constituencies?—Our original proposal was that there should be a very small Upper House in which the units should be represented, and that the Lower House should be elected on the basis of an indirect franchise. We modified that view, which still remains the view of many of us, largely as a result of the work of the Federal Structure Committee, and in

our anxiety to be in agreement with the Indian members of that Committee, and we agreed to a smaller Legislature than is now proposed by the White Paper. We still prefer that smaller Legislature.

3794. Even though it is directly elected?—Even though it is directed elected.

3795. Will you admit that in the Provinces, if you have a smaller Legislature, and, therefore, larger constituencies, only wealthy men, or nominees of wealthy organisations, will be able to be representatives?—I do not think that necessarily follows, but it must be remembered that the proposal to have a smaller Legislature should be considered *pari passu* with our proposal that the franchise should not be extended to the amount which is proposed in the White Paper. Therefore, while proposing the smaller Legislature, we are at the same time proposing a higher franchise.

3796. But it would equally be a large area, would it not? The cost of working a large area, with your electors scattered over it, is pretty big?—It would be a large area, as many of the areas to-day are large.

3797. The cumulative effect of your proposals would be to give the poorer sections of the community very little chance of representation?—I do not think so, necessarily, having in view the special provision which is made for representation of labour and the representation of the Depressed Classes, in connection with both of which we support the general proposals in the White Paper.

3798. But, apart from that, it would be the wealthy who got in?—Not necessarily; that is not my experience.

Mr. Morgan Jones.

3799. Mr. James, in paragraph 3 you start the paragraph dealing with the cost of the proposed reforms, and then in paragraph 4, you discuss the general question of economy. Would you agree with me that it would be desirable that the new Legislative Assemblies, Federal and Provincial, should take steps to see that no undue expenditure for any single item is embarked upon?—Yes.

3800. Would you look at paragraph 19; I see you suggest that the stage of equality as between Europeans and Indians in the Indian Civil Service shall not be reached before 1939.

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Would you agree that the longer you postpone Indianisation, the more expensive it becomes?—I do not think it necessarily becomes more expensive. As I think the questioner has already suggested there is some expense which is necessary, and we believe this particular expense is necessary under the circumstances.

3801. Perhaps I may put my question the other way round. Would you agree that a substantial economy would be effected by a more speedy Indianisation of the Civil Service than could be effected otherwise?—I doubt whether it would be very substantial, because, from my experience on the Madras Retrenchment Committee recently, we learned that the actual economy in reducing the salaries of the higher paid Staff was comparatively small compared with the reduction in the salaries of the lower grades, owing to the large number of the lower grade men that are employed, and the actual amount involved in the Indianisation of the higher Services is not a very large sum, comparatively speaking.

3802. Would you agree that it would be possible, without undue hardship to the individuals concerned, if Indianisation took place more rapidly, to reduce the salaries of the Indian servants, as I say, without any hardship financially?—I think if you retain two All-India Services, as is suggested, you cannot have two different grades of pay within those Services, between the European and the Indian members.

3803. And so long as you keep a large proportion of Europeans in the Service, you naturally, therefore, keep up the salaries of the Indians *pari passu*?—That is to some extent true, yes.

3804. And, if on the contrary, you Indianised in a more rapid way, the chances are the time would come more speedily when you would reduce the salaries of the Indian members of the Service?—That is true.

3805. I see, in paragraph 22, you refer to the Public Services Commission in Madras, and you pay a tribute to its work. Would you agree that, broadly speaking, the service given by Indian members of the Civil Service in India is on all fours in excellence with that of the European members?—Most certainly.

3806. And, therefore, I take it that we need have no anxiety concerning the

nature of the service which the Indian members of the Service would give?—No. It is not a question of the quality of the service.

Sir Austen Chamberlain.

3807. Would you ask Mr. James to elaborate his last answer? He said it is not a question of the quality of the service. Would Mr. James say what is in his mind?—We feel that in India it is essential that in the two great security services there should be a definite proportion of European Members laid down, for a variety of reasons. One is that the influence of British traditions of administration should be retained in the service; another is that the presence of European officers, who are detached from the communal and other problems in India, renders their service of particular value. I have known of more than one case where an Indian Minister has asked for the services of a European Member of the Indian Civil Service for the very reason that he is entirely detached from certain problems which exist in India. I would say, perhaps those are two of the main reasons why we put our claim forward.

Mr. Morgan Jones.

3808. Have you any idea of the minimum proportion of Europeans you would finally require?—I am not prepared to go further than we have gone in our Memorandum, at this stage.

3809. And do you suggest that it is necessary to keep a European proportion for all time, if necessary?—I do not even say that. I prefer to rest upon the Memorandum which I have put forward.

3810. Do you contemplate a time when you will not have any Europeans in the services in India?—A time may come, possibly, when Europeans may not be recruited to the services on the present basis, but I find it hard to visualise a time in the reasonable future when there will be no Europeans whatsoever in any of the services in India.

3811. I will not press that any further. Shall we turn now to paragraph 29, please. Still on the question of economy, Mr. James, would you agree with me that it would be a substantial economy not to have Second Chambers in the Provinces?—That again depends upon the answer to the other points that we have put forward. If you leave your franchise as it is, with your Lower

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Houses as they are proposed, obviously to suggest the creation of Second Chambers means additional expense; but if the franchise is not extended as is proposed by the White Paper, and if the Legislatures are smaller, as we suggest, then the very fact of having small Second Houses will not add to the total cost.

3812. Did I understand you to express satisfaction with the proportion of representation of Labour in the Upper Chamber?—I think I said that we were prepared to support the proposals of the White Paper in that connection.

3813. Can you tell me how many representatives of Labour there will be in the Upper Chamber of the Central Legislature? Will there be any at all?—No.

3814. Would you regard that as satisfactory?—I misunderstood your question. I thought you were referring to the Federal Legislature. I understand there is no provision for any special interests in the Upper Chamber.

3815. But there will, in point of fact, be a number of Europeans, will there not?—Yes, as representing the European community as a community.

3816. But none representing Labour as a Labour community?—No.

3817. In paragraph 36 you say: "In the proposed Federal Assembly there are eight European General seats and it is expected that there will be six European Commercial seats." Can you tell me how many individuals they will represent?—I do not know whether I have the actual figures. The European representation in the Assembly must be taken altogether. It is impossible to divide, for example, the number of those in commerce from the number of those who are not in commerce.

3818. Can you give me the aggregate number of Europeans represented, putting them all together?—Putting them all together the total population, as far as I can recollect, of the European community is, roughly speaking, about 100,000.

Mr. *Morgan Jones*.] That will do. Thank you very much.

Sir N. N. Sircar.

3819. May I draw the attention of Mr. James to the marginal note to paragraph 16: "Defence against Terrorism must be effective." If he will kindly

now proceed to the end of the paragraph, it is said there: "The Association does not wish to pledge itself to any particular method; that is a matter for expert opinion." What I want to make clear is this: That when you said that the whole of the C.I.D. should be dealt with in a particular manner, that was in furtherance of this idea of protection against terrorism, was it not?—Yes.

3820. If, as a matter of fact, it is possible to separate the special branch from the rest, then you are not insisting on the whole of the C.I.D. being dealt with in the way suggested by you?—No; I should like to have an opportunity of elaborating that point, and, if the Lord Chairman will permit, Mr. Page will explain that in greater detail. (Mr. *Page*.) What we feel, my Lord Chairman, is this: It is essentially a Bengal problem at present and there can be no controversy about the true facts as regards the terrorist movement. The first point is that it is definitely and openly anti-British. That is the first point which we in Bengal have to deal with. How far it is an anarchical movement we do not know. We believe that it is quite probable that the problem with which the present Provincial Government has to deal will have to be dealt with by any Government which succeeds it under the proposed reforms; and we believe that we are not only protecting ourselves but protecting future Governments if we insist so far as we can on adequate safeguards to keep that movement under control. The second point about it is this, as to which again there can be no controversy. It has in the very recent past (and we do not believe that there has been any real change in the present) had the active, open, professed support of the best organised political Party in Bengal, the Congress Party. There can be no doubt whatever that in the very near past the Congress (or to be entirely accurate, prominent Members of the Congress Party) have openly expressed their approval of the methods which this particular movement employs. Am I entitled to go on, my Lord Chairman, to develop my point? I do not want to take up time.

Chairman.

3821. Certainly; yes, please?—As I have said, the immediate professed object of this movement is to drive the British

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out of the country. That is not an implication; it is their professed object, and their method is equally simple. It is murder. The instruments which they use to effect murder have been up to date either the revolver or the bomb. The bomb is no respecter of persons, no respecter of sex; with the result that for several years we have had murders, not only of British men, but also of British women. As I am reminded by an honourable Member, the casualties are not confined to British men and British women, but extend to those who serve the Government faithfully, with the result that we had a large number of murders of officers, British and Indian, and men of the Police Force. I doubt very much whether this Committee realises the number of murders which have taken place. We, as the intended victims, have no intention of forgoing any reasonable safeguards. The only detail in which I think we can be said to differ at all from the views which have been taken by other Provinces is on this question of the transfer of the C.I.D. as a whole, and, as my leader has told Sir N. N. Sircar, if His Majesty's Government is satisfied, after taking expert opinion (which we cannot profess to tender) that it is possible to separate the two branches, the branch which deals with political crime and the branch which deals with ordinary, everyday crimes of violence, then we should be perfectly satisfied with that; but what we feel at present is this, that the whole of the structure of the C.I.D. depends on the work of the agents whom the Police employ. Without their agents, they are entirely unable to cope with this organisation. The same agent is employed necessarily for purposes of acquiring information, whether it be political crime or ordinary crime, and there is a second reason why we find it difficult to separate the two branches and that is this, that, although I have said that the method which this organisation employs is the simple method of murder, they require, for the purposes of their organisation, money, and that they obtain by another kind of crime, robbery with violence—what we call dacoity. It is very difficult, we believe, in the early stages of investigation of a crime of that nature to decide whether it is an ordinary dacoity, or whether it is a crime perpetrated by these particular gangs who form the

terrorist organisation. It is for those two reasons that we at present in Bengal find it impossible to be satisfied with the reservation of the special branch of the C.I.D., but we wish to make it equally clear that if His Majesty's Government is satisfied that our fears are quite ungrounded, that if their expert witnesses can satisfy them that it is possible to divide up the two branches of the C.I.D. then, of course, we have nothing further to say. I am rather apprehensive of taking up too much of your time on this point, but it is one to which, not unnaturally, we attach a great deal of importance, like most intended victims. I do not want you to gather the impression that there is the very slightest degree or suspicion of exaggeration about any statement I make to you. To anybody who knows the local conditions in Bengal it is quite beyond controversy that if there were a breakdown in the Police organisation the life of no civilian, male or female, could be guaranteed in Bengal, and, as I have been reminded, the danger is not confined to my community. In fact, there can be no doubt that some of the victims in such an event would be men who have had the courage in Bengal openly to stand out against the terrorist organisation; but we realise that we are up against not only the organisation but a very strong body of political backing, and we realise also that the whole of the structure of the C.I.D. depends on the agent, the informer. If his confidence is once shaken we claim that the whole structure will collapse. At present his confidence is sustained by the fact that he knows, and has the pledge of the officer who immediately employs him, that any information which he gives will be seen only by four persons.

Marquess of Salisbury.

3822. By four persons, do you say?—By four persons, I think. That is to say, the Police Officer to whom he gives the information, the Inspector General, the Secretary who at present deals with it as an Executive Councillor, and His Excellency, the Governor. Those are the four persons, I believe, who at present are entitled to see his statement. No one else is entitled to see it; and, of course, in Bengal we cannot rely on what exists in England. We cannot rely on any convention in the matter.

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We have not as yet had time to create any conventions, so that the only safeguard is a rule, and that safeguard is what at present is enjoyed by the agent. He knows that any information which he gives will be seen by those four persons, and those four persons alone. There was one occasion during the term of office of His Excellency Lord Carmichael, when His Excellency got involved in a controversy with a private citizen in which use was made of some information which was given by an agent. That was known by the agents at once, and created the utmost apprehension in their minds. We feel practically certain in our minds that, if the agent is told that the information which he gives will be placed before a Minister (a politician) who may or may not belong to his own community, that is to say, a Muslim Minister receiving the reports of Hindu informers, or vice versa, and if he is further told that that Minister will be at liberty to communicate that information to the Cabinet of which he is a member, the agents will, in fact, refuse to work. They may go on until some incident happens which will show that their fears are well grounded, but after that we believe that the whole of that structure which has been built up by the C.I.D. will collapse, and then it will be impossible to prevent crime; the police will be confined in their functions to detection and arrest. That, my Lord Chairman, is not a prospect with which my community can have any sympathy. The remedy which we have proposed is that, so far as the C.I.D. and I.B. are concerned, they should be reserved to the Governor General in Council.

3823. In his discretion?—Yes, but we do not envisage the necessity for any real increase in the personnel of the police.

Chairman.

3824. Do you agree with Mr. James that these services should be reserved to the Governor General at his discretion? Is that right?—Yes. I think the only reason why we wished to introduce any special responsibility is because it follows that if he is dealing with a question for which he has a special responsibility the finance is not votable, and we want the same safeguard as regards the finance in the province, that that should be non-votable so that there can be no question

of starvation of the Department. As regards the police, apart from that Department, our view is this, that in all matters of postings, recruiting, promotion and transfers the Inspector General should make his recommendations to the Minister, and we would expect that in the ordinary course the Minister would accept those recommendations; but if he differed we should expect the Inspector General to give way, unless he had very good reason for acting otherwise. In such an unlikely event we propose that the final arbiter should be the Governor himself. As regards the internal discipline of the provincial force we have not made that very clear in our Memorandum. We wish that that force should be entirely removed from the Public Services Commission. We believe that the police as a disciplined force should be modelled as nearly as possible upon the lines of the Army; all possibility of political influence so far as it is possible should be excluded, but we would not say that any officer who so desires it should not have the right to appeal to the Public Services Commission if he wished. We would rather, for ordinary disciplinary purposes, have a Board set up something on the style of an Army court-martial, that is so far as internal discipline is concerned, but, of course, the main questions of policy, strength and finance must remain entirely in the hands of the Minister. There is only one other point I can remember, and that is the question of the Acts. We are asking that the Indian Police Act, 1861, and the Presidency Police Acts of Madras, Bombay and Bengal should be Acts which the Federal Legislature or the Provincial Legislatures should have no power to alter or repeal except upon the recommendation of the Governor General, or the Governor, as the case may be; but we attach very much more importance to the Rules.

Marquess of Salisbury.

3825. When you say the Governor-General, you mean at his discretion again, not the Governor-General as advised by the Minister?—At his discretion. That applies only to the Indian Police Act, 1861.

3826. I quite understand?—But we attach very much more importance to the Rules which have been made under these Acts. The Acts themselves are merely

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skeleton Acts for administration, setting up the machinery. What really matter are the Rules made under those Acts.

3827. Would you have them under the same safeguard?—We would have them under the same safeguard. Then as regards the British personnel, we are not prepared to go further than the recommendations of the Lee Commission. We, in Bengal, frankly do not look forward to a time when there will not be a percentage of British officers in the Police. We believe that British officers are essential to the preservation of the discipline and the morale of the Police.

3828. Are you speaking of Bengal only, or of all India?—As to that. I am speaking only as regards Bengal.

Sir N. N. Sircar.

3829. I am not suggesting you are exaggerating, but when you said, "we, the intended victims," is it not the fact that the great majority of Government officers, prosecuting counsel and advocates who have been shot down by terrorists, have been Bengal Hindus?—True. I think in those cases it is impossible to exaggerate as regards the assistance we have had from the Bengal Bar. I do not wish to create any impression that we had to bear the brunt alone; the courage with which gentlemen of my profession have dealt with this movement in the course of their duties is impossible to exaggerate.

3830. I shall put to you only one more question on that topic. You said something about the robberies committed by the Terrorists for securing funds; is it not the fact that exclusively the Bengal Hindu has been the victim of these robberies?—So far as I know, but that may be due to the fact that he is the only person who has the money.

3831. Now, I do not insist upon Mr. Page answering this question, any Witness who is competent may answer it. I am drawing the attention of the Witnesses to paragraph 25 of Memorandum No. 29, where you say this: "When the franchise is extended beyond a certain limit, under the conditions prevailing in India, the driving force of the electorate ceases to exist," and so on. What I want to ask you is this. As far as Congress were concerned, they were insisting, and they are still insisting on adult franchise. Is that not so?—(Mr. James.) Yes, I believe so.

3832. But outside of Congress (I want only the question of fact, and not any discussion as to merits), is there not largely among others great nervousness about this large increase of illiterate voters?—Yes. There is considerable apprehension, and I do not think that that apprehension is exclusively confined to non-members of the Congress, because I know many members of Congress who are equally apprehensive, whatever the official policy of the Congress may be.

3833. And this apprehension is not confined to Europeans only?—No.

3834. I want to know whether the European Association have changed their view in connection with the distribution of seats, as stated by the Government of Bengal in their Despatch, at page 59. I am putting it very shortly to you, Mr. James. After stating that the European members are agreed that the present allocation of seats which is based on the Lucknow pact, is unfair to the Muhammadans (I am not quarrelling with that at all), they proceed to say this: "After careful examination of rival schemes, they have come to the conclusion that representation on the basis of population is the fairest method of distributing the seats in the general constituencies between Muhammadans and non-Muhammadans, and they consider that any weightage that is to be given to the non-Muhammadans in respect of their wealth, education or position, should be allowed for in the special and not in the general constituencies. Experience has shown that all seats in non-European special constituencies are occupied almost invariably by non-Muhammadans." Have the Europeans a different view now?—I think when you read out that the European members held that view, it was referring to the European members of the Bengal Government and not of the European Association.

3835. I quite realise that. What I want to know is this, if I may put it in another way: Does the European Association think at this moment that it is a fair way of distributing seats to take the basis of population and divide the seats relatively between them?—I am not aware that the European Association, as such, has expressed any particular view on that matter; and, therefore, I am not in possession of any change of view that

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may have taken place, because I do not think they have a view.

3836. May I ask your opinion, as one who is neither a Hindu nor a Muhammadan, would it not be quite fair if the general seats are distributed according to the basis of adult population?—I should be very pleased to give you my private opinion in private, but I am here representing an Association and giving my own views on behalf of that Association.

3837. I presume that the European Association is not prepared to give up any of the seats which have been allocated to them for Bengal?—No.

Sir A. P. Patro.

3838. Mr. James, I understand that the policy of the European Association is set out in the first paragraph, namely: "The Council of the European Association has examined the proposals of His Majesty's Government contained in the White Paper with great care, and, after consultation with all the branches of the Association throughout India, it considers the general scheme to be satisfactory as a whole and to form a reasonable basis on which to frame the future Constitution of India"?—Yes.

3839. That is the policy of the European Association?—Yes.

3840. Now you were a member of the Madras Legislative Council, were you not?—Yes, I was.

3841. You were in touch with public opinion in Madras?—Yes.

3842. And your Headquarters are in Madras?—Yes.

3843. Would you, from your experience and knowledge of public opinion in Madras, believe that there would be any Minister who would accept responsibility for Law and Order in the Province without any control over the C.I.D.?—That is, quite frankly, a very difficult question to answer, and, of course, again it is a hypothetical question. I am not sufficiently in the confidence of the Madras people to be able to answer that, either in the negative or in the affirmative.

3844. But do you not think from your experience, and working with the present and past Ministers and past members of the Legislative Council, that there would not be any person who would take the responsibility for Law and Order as a Minister, without having the handling

of the C.I.D. under him?—I think that is correct, as far as Madras is concerned.

3845. You know that at present the Home Member is an Indian, and he has got the C.I.D. under his control. In other Provinces also, Indian members have got control over the C.I.D.?—Yes, that is true. However, I think it should be pointed out in fairness to our views, that an Executive Councillor is in a very different position from a Minister responsible to the Legislature, and, therefore, the splendid record of certain Indian Executive Councillors in regard to the administration of this Portfolio is not, necessarily, a guide to what the position would be when an Indian Minister responsible to the Legislature held the same Portfolio.

3846. But you know that the Home Member is now dependent upon the Legislature for the purpose of his grants?—Yes.

3847. And, therefore, he has as much responsibility, in reality, to the Legislature, though he is an appointed member?—There is a great difference between being responsive and being responsible.

3848. Is it not impracticable to separate the Police from the C.I.D.?—That is a matter which we are very anxious the Joint Select Committee should go into. As Mr. Page has already said, and as I have already said, if it is found practicable to effect a complete separation of the political side of the C.I.D. work from the ordinary criminal work, then we should be satisfied that our safeguards should apply to the political side of the special branch of the C.I.D. alone, but we feel that it is not practicable, and that is a matter we wish the Joint Select Committee to go into with the greatest possible care.

3849. Mr. Page, will you kindly tell me this: your remarks relating to the C.I.D. are specially based on paragraphs 15 and 16 of the Memorandum, and that is only with special reference to Bengal, and not to other Provinces?—(Mr. Page.) No; I do not base them on those paragraphs. I say those paragraphs do not accurately represent our view—not as I am presenting it for Bengal.

3850. Will you please refer to proposal 126 of the White Paper? "The Governor-General will be empowered in his discretion to issue instructions to the Governor of any Province as to the

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manner in which the executive power and authority in that Province is to be exercised for the purpose of preventing any grave menace to the peace and tranquillity of India or any part thereof." Do you not think that the power already proposed in the White Paper is sufficient to meet the safeguards which you have suggested?—No, I think that that proposal is for a contemplated emergency, and there is a further objection to it, apart from the fact that it is not intended, in our view, to apply to every day to day administration; that the less these special powers of the Governor-General are used, the better.

3851. Do I understand that your proposal to have Second Chambers in all Provinces is intended to reduce the opportunities of exercising the special powers of the Governor and the Governor-General?—(Mr. *James*.) That is one of the intentions.

3852. Do you not think that the power of the Governor, proposed in the White Paper, with regard to the discharge of special responsibilities, making Ordinances and Acts, are redundant and overlapping?—We are not prepared to say so specifically; that is a matter for inquiry.

3853. You know that the franchise in Madras has been reduced considerably in regard to the Local Board municipal elections?—Yes.

3854. And that the present proposals in the White Paper are, more or less, based upon the existing system?—Yes.

3855. Why do you then object to restrict the franchise further? Why do you propose any restriction on the franchise?—I think you will find in the paragraph dealing with franchise that the qualifying words are: "with the exception of the Madras and the Bombay branches of the Association, which are satisfied with the franchise proposals as far as their own Provinces are concerned." I think that meets your point.

Sir *Hubert Carr*.

3856. My Lord Chairman, I am fairly well acquainted with the views of the Witnesses, and if I might, I would like to postpone any questions that would seem necessary to elucidate their points to a later stage; but there is just one question I would like to put now with regard to Police, as I think we might try to clear up that question. Mr.

James, you have put forward, as I understand, the view of the Association as a whole?—(Mr. *James*.) Yes.

3857. While Mr. Page has put forward the views of Bengal as chiefly affected by Bengal conditions?—Yes.

3858. Then we have another note at the end from Mr. Gavin Jones, putting forward another minority view with regard to the transfer of Law and Order, as viewed by the United Province branch?—Yes.

3859. Perhaps, if Mr. Gavin Jones just put his views now, it would complete the different shades of opinion which the Association has to express. Might I just put the question to Mr. Gavin Jones? You say in your Memorandum that the Executive should be a fixed Executive, but that supply should be voted by the Legislature. Do you consider that would tend to harmonious working? The Memorandum states that the United Provinces are in favour of a fixed Executive, but that supplies should be voted by the Legislature, and I was asking whether the Witness thought that would tend to smooth working?—(Mr. *Gavin-Jones*.) My Lord Chairman, in regard to the voting of supplies, our view is that the Legislature should have full powers over finance with one exception. We consider that finance is the acid test of self government, and therefore the Legislature should have as much powers as it is practicable for them to have, but should the Legislature become subversive, should they endeavour to wreck the constitution, and should they endeavour to impair the administration by withholding necessary funds, then the Governor should have the power to intervene. I think that would cover that point.

3860. Do you think that risk of withholding funds is such that it is necessary to reserve the police?—My proposal is fundamental. I am not asking only to reserve the police, but I am asking to separate the Legislative functions from the Executive; in other words, I think that the Cabinet system is unsuitable for India. I am asking rather for the Provinces to be governed on the Presidential system.

Lord *Eustace Percy*.

3861. I wonder whether, in order to clear up this point, I might ask one supplementary question of Mr. Gavin Jones. He proposes a fixed Executive,

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but a fixed Executive to be chosen preferably from members of the Legislature?—Yes.

3862. In what sense can that be regarded as the Presidential system, and in what sense can an Executive, so chosen, be regarded as a fixed Executive?—The Executive will be fixed for the period of the life of the Legislature.

3863. Under the White Paper the Ministers are chosen by the Governor to hold office during his pleasure. I do not see the difference?—If the Legislature is not in sympathy with the Cabinet they can throw out the whole Cabinet by a vote of censure.

3864. They can, but then surely it is not a fixed executive?—That is what I say I want, a fixed executive appointed by the Governor.

3865. But surely, if the Legislature were to pass a vote of censure on Ministers who were members of the Legislature, those Ministers would have to consider whether they would resign or not?—Certainly.

3866. They would clearly no longer then be a fixed executive?—Certainly, and then the Governor would have the power of re-appointing, just the same as a President in a republic works with a Legislature.

3867. But I do not think there is any such instance. Can you give me an instance of a republican constitution where there is a fixed executive whose members are chosen from the Legislature?—Not necessarily chosen.

Marquess of Salisbury.

3868. What you mean is that a vote of want of confidence would not displace the Government. Is not that so?—That is so.

3869. And whether they are members of the Legislature or not has nothing to do with that point?—Displacement of the Government would depend on the Governor. They would have to work in harmony with the Legislature, naturally, because the Legislature make the laws and supply the funds.

Archbishop of Canterbury.

3870. Why then is it important that they should be members of the Legislature at all, in that case?—If they are chosen—I think preferably chosen—from the Legislature, then they will naturally have the sympathy of the Legislature.

3871. Even if they refuse to take any notice of what the Legislature has said about them?—They would not refuse to take any notice any more than at present. You have a fixed executive in India now. They certainly do not refuse to take any notice of the Legislature. In fact, they are very greatly influenced by it.

Lord Eustace Percy.

3872. What alteration does Mr. Gavin-Jones propose in the provisions of the White Paper?—My alteration is fundamental. I think the Cabinet system will not work.

3873. Where do you find the Cabinet system in the White Paper? What concrete amendment would you make in the wording of the White Paper?—I cannot go into the details of the amendment.

3874. I am only asking you because I do not see why the White Paper constitution should not work in precisely the way you want your Executive Council to work, for anything there is in the White Paper?—Because I think the Legislature will have power over administration. I think that is where the White Paper breaks down—that is on the question of safeguards. I have examined the safeguards very carefully, and I believe your Committee will also find that the safeguards are by no means watertight. There is a great deal to be said for transferring the whole thing, and having no safeguards, but I think the safeguards will be illusory. I do not think you can give the Governor a voice in the maintenance of peace and tranquility, and at the same time give him no power to carry out his responsibility.

3875. I was not referring to the safeguards?—That is the point.

3876. I think not. I was referring merely to the point of how an executive chosen from the Legislature on your plan would differ from an executive chosen from the Legislature on the plan of the White Paper?—Because the responsibility of the Ministers and the detail of their administration will be with the Governor and not with the Legislature.

3877. Where do you find the responsibility of the Ministers laid down in the White Paper?—The Ministers are to be responsible to the Legislature.

3878. Where in the White Paper? I do not find those words?—I think that is the intention.

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Lord *Rankeillour*.] If you read paragraphs 66 and 67 together I think you will find that is fairly clear.

Lord *Eustace Percy*.] I do not see why.

Marquess of *Reading*.] My Lord Chairman, is there any point in our discussing now with the witnesses what is in the White Paper? Surely that will appear, and we shall have to decide it for ourselves. It is a little difficult for the witness, who may not have studied it quite as closely as we shall have to study it, to point to passages in the White Paper. Surely the whole point of what the effect of this will be must be for us to determine after hearing what the witnesses have said.

Sir *Hubert Carr*.

3879. I introduced the question of supplies chiefly for its relation to the police, because I want to know whether the minority view expressed in Mr. Gavin-Jones *précis* is that the police will be maintained in better order and more efficiently for the purpose of their services if reserved as his Branch proposes?—Yes, my Lord Chairman, I think so certainly.

3880. May I suggest has your Branch taken into consideration that the growth of Nationalism may affect the ability of the police, whose sons and daughters are all being imbued with the new ideals, to deal with the disorders arising from Nationalism either legitimate or perverted? Does your Branch consider that in spite of those conditions the police will be better able to cope with those disorders if they are Reserved?—I think so most decidedly, because the authority will be from the Governor and not from the Legislature. My proposal is not with the idea of preventing the growth of Nationalism, but the prevention of interference of the Legislatures in the day to day administration.

3881. Mr. James, do you consider that the views now expressed on the police correctly represent the varying views held by our community in India? Do the varying views expressed by the witnesses now complete the general opinion held by our community in India with regard to the police?—(Mr. *James*.) Yes, they do, and, if I may very briefly sum up the position, my Lord Chairman, I think it would be wise, in view of the evidence given by Mr. Page and Mr. Gavin-Jones. The position which the Association in

general takes up is that there should be, as far as possible, a transfer of responsibility, subject to certain safeguards. In regard to the police, the Association, as a whole, cannot help but bear in mind the peculiar conditions in Bengal. Therefore, the Association is willing to insist upon whatever practical safeguard is possible in order to protect the Bengal situation. As the Memorandum states, it has put forward a suggestion for the consideration of the Joint Select Committee. It does not say that that suggestion is a right one; it puts it forward merely for your consideration. It also is prepared to ask the Joint Select Committee to consider the other suggestion of a somewhat more drastic nature which has been put forward by Mr. Page, as representing the Bengal branches, and it hopes, on a consideration of these matters, the Joint Select Committee will be able to devise some machinery whereby the position in regard to the special activities of the police is absolutely safeguarded from political or legislative interference, and whereby the machinery, which now exists, and by means of which I think, at the present moment it may be said that the terrorist movement is practically under control, shall remain unimpaired and, in fact, shall be strengthened by its relation to the Governor-General. I think that is the general position which the Association takes, and I trust that I have made that clear.

Dr. B. R. *Ambedkar*.

3882. Just one or two questions. I want to ask Mr. James one question first. Does your Association accept the declaration that was made by Lord Irwin during his vice-royalty, on the 29th October, 1929, which said that, according to the view of His Majesty's Government then in office, the logical evolution of India's political constitution was Dominion status? Does your Association accept that declaration?—I do not believe that that particular statement of Lord Irwin is contained in the White Paper.

3883. No, it is not?—And my Memorandum deals with the proposals of the White Paper, but I do remember that at the time of that statement the Association made a pronouncement, and I would refer the gentleman to the newspaper files on which that pronouncement will be found.

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3884. Would you give us a summary of that pronouncement?—I would not trust my memory to do that just now.

3885. Let me put my point somewhat differently. Do you accept the proposals laid down in the White Paper as the final form which the Constitution of India should take, or do you think there is some room for evolution further?—I think the answer to that is to be found in Paragraph 1 of the Memorandum.

3886. That gives the answer, does it?—That, I think, is the answer: "We consider the general scheme of the White Paper to be satisfactory as a whole and to form a reasonable basis on which to frame the future Constitution of India."

3887. My question, if I may say so, was somewhat different. My question is this: Do you regard these proposals as the final form of India's political Constitution?—May I refer you to the third sub-paragraph of paragraph 1 of the Memorandum, in which you will find the following words: "The Council of the Association reserves the right to determine its final attitude to the constitutional scheme when the Report of the Joint Select Committee has been published and the Bill for the future Government of India based upon that Report is presented to Parliament."

3888. Forgive me; that, again, is not an answer to my question. My question is somewhat different. My question is this: Do you think that there is any more room for the advancement of the political status of India beyond the proposals as they are laid down in the White Paper? Have I made myself clear?—Yes. Obviously the White Paper leaves room for modification or changes in the future.

3889. I used the word "advancement"?—If you call it advancement, possibly.

3890. I will not pursue that point?—But we are now considering only the proposals of the White Paper.

3891. In paragraph 52 you make the proposal that the Indian Legislatures should not have authority to affect the law of British Nationality. I quite follow that point. Then you go further on and say that it should not even have authority to prescribe what might be called Indian Nationality, on the analogy of the Canadian Act. I understand what you say. What I want to know is this. Do you want to put that

as an absolute limitation which would prevent the Indian Legislature from constituting a status of an Indian National for any purpose whatsoever?—No; I think the paragraph is perfectly clear. We merely say that if India does desire to legislate in that way, India should not be permitted to do so to the exclusion of the European British community in India.

3892. I put it this way: Supposing, for instance, a case arose which is similar to that which arose in Canada and which gave rise to that Act: supposing there was necessity for Indian representation on any international tribunal and India wanted that that right of representation should be reserved to Indian British Subjects of His Majesty or Indian subjects of His Majesty, would you not in that case allow the Legislature to pass a law providing for such a status being created on the analogy of the Canadian Act, or, for the matter of that, the South African Act?—The answer to that really is the last sentence of our paragraph. Perhaps Mr. Page will explain it in greater detail. (*Mr. Page.*) I think, Sir, that you need be under no misapprehension that there is any such hidden meaning. The whole of our object as regards that paragraph is this, that the creation of what we may call an Indian citizenship should not affect, in our view, the rights of a British National as a British subject. What we really want to say is this, that we wish to preserve for all individuals of British nationality, while resident in India either temporarily or otherwise, all the rights to which an Indian subject of His Majesty similarly resident is entitled, and we wish to prevent the passing of any law, or the making of any regulation or rule, which would have the effect of restricting or taking away any of those rights. That is the whole object of that paragraph. We have not the slightest objection to the formation of an Indian citizenship.

Dr. B. R. Ambedkar.] My Lord Chairman: Is it in order to put a similar question to Mr. Gavin Jones on the suggestions he has made, but if it is not, I will not pursue that point?

Chairman.] If Dr. Ambedkar asks my personal view, it is that perhaps the matter is not sufficiently important at this stage to justify the time taken.

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Mr. N. M. Joshi.

3893. My first question is as regards the Memorandum of the Assam representatives. As regards the Upper Chamber, they say this: "Such Second Chamber should include members who have substantial vested interests in the Province." May I ask whether your meaning is that people of vested interest should have representation which is fair?—(Sir William McKercher.) That might be intended for men of the elder statesman type. It might be written differently.

3894. You have used the words: It "should include representatives of vested interests." I wanted to know whether you want the whole House to consist of people of vested interests, or do you only want that due share to be given to people of vested interests?—We might say, landed interests—men of responsibility?

3895. If it is your desire that the Upper Chamber should consist only of people having large landed interests, I take it you realise that the landed interests will have a veto against any legislation which may be passed for the protection of the tenants?—I would not say large landed interests, but men of stability.

3896. My question to you is this: If any legislation is to be passed for the protection of tenants, people who have no landed or vested interest, that legislation cannot be passed by Government without the approval of the landed interest. Is that your intention?—We do not ask that it should be exclusively so. Take the House of Lords, for instance, in England.

3897. Do you know that in England before 1911 the landed and vested interests had a veto, and a Parliament Act was passed in 1911 taking away that veto partially?—With what result?

3898. May I ask one question, Mr. James? In paragraph 9, Mr. James, your Association seem to suspect some political motive behind the Resolution passed by one of the largest Universities that in future "Matriculation examination should only be conducted in one of four vernaculars—English being excluded. This, if carried into effect, would prove a distinct hardship to the English speaking communities, and to those other communities from Provinces

which do not use any of the vernaculars mentioned." May I ask you one question upon that: Is the suspicion of political motive based upon any facts?—(Mr. James.) We do not presume to consider that the motive behind this Resolution was a bad one, but the fact remains that the Resolution was passed and that its effect would be a distinct hardship to certain communities.

3899. May I ask you if you can give the Committee the total number of students that appeared, say, during the last five years in your State for the matriculation examination, and the total number of students whose Mother tongue was English?—I am not a walking encyclopedia, I cannot carry figures in my head.

3900. Do you realise when you make a statement attributing political motives, which you have done, you should have ascertained the facts?—Is that a question or a statement?

3901. I am asking whether you realise your responsibility?—I fully realise my responsibility, and the fact remains that this Resolution was passed.

Chairman.] Mr. Joshi, I just wish to remind you, as you heard from this Chair, that it is not usual, in the case of a witness appearing before a Joint Select Committee, to press him precisely in the way in which it would be proper to press him in a Court of Law.

Mr. N. M. Joshi.

3902. I only wanted to know whether that suspicion is based upon facts?—I have really nothing more to add to the Memorandum I have put in on that subject.

Sir H. Gidney.

3903. My Lord Chairman, I want to ask Mr. James whether he has had a large experience in his dealings with the Anglo-Indian domiciled community?—Yes.

3904. For many years?—Yes, for a number of years.

3905. Would I be right if I said that unemployment is very rife in this community to-day?—Yes.

3906. Would I be right in saying that that unemployment was a direct result of the Indianisation of the Services?—Yes, to some extent, but there are many other reasons which operate.

3907. What effect do you think Indianisation of the Services has had on the

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community as a whole?—I think it restricts their field of employment, and if Indianisation proceeds at its present rate, it will be necessary for the community to find other fields for the employment of its young men.

3908. In other words, would I be right in saying that Indianisation is construed as excluding Anglo-Indians and domiciled Europeans?—Not as excluding them, but as depriving them, to a very large extent, of a position which they have until recently enjoyed.

3909. You would agree with me if I said that the community has rendered a great service in the development of the Services of India?—Certainly.

3910. And in the Police and Military Defences of India, too?—Certainly.

3911. Would I be right if I said that these Services almost amounted to a vested interest?—I prefer not to define the term "vested interests," my Lord Chairman.

3912. In paragraph 50 of your Memorandum, you refer to jury rights. I believe that the present privilege of jury rights enjoyed by European British subjects was the result of a compromise in the Racial Distinctions Committee?—Yes.

3913. Would you agree, if the Criminal Procedure code was altered to the effect

that anyone, be he Indian or European, would be equally entitled to a jury, consisting of a majority of Europeans and Indians as he so desires?—I have no particular instructions on that question. All I can say is that we should give it consideration, but beyond the Memorandum we have put forward, we have not yet formulated any definite view on this matter.

3914. Are you aware, Mr. James, that it is only for the Anglo-Indian and the domiciled European in India before he can get a jury that he wants, that he must prove (1) legitimacy, (2) European parentage on the male line, and this is not demanded for the European or the Indian?—Yes.

Sir *H. Gidney*.] In the franchise.

Mr. *Zafrulla Khan*.] Has not the European to prove he is a European and that he is born of parents who are Europeans? You cannot take it from anybody's face—he has got to allege it and prove it.

Sir *H. Gidney*.] He is never asked to prove it.

Sir *Tej Bahadur Sapru*.] I have known several instances within my experience where Europeans have been asked by judges in the High Court to prove it, and sometimes they have failed to prove it.

(After a short adjournment.)

Chairman.] Mr. Gavin-Jones asked me to express his excuses to the Committee this afternoon in circumstances which he explained to me, and I said I was quite certain that the Committee would understand his absence.

Lieut.-Colonel Sir *H. Gidney*.

3915. Mr. James, will you inform the Committee as to whether you have considered the advisability of a definition for the franchise of a European elector?—(Mr. *James*.) I believe that matter has been under consideration.

3916. You would confine that definition to the European community?—I do not remember the exact stage which the consideration has reached. That, presumably, would be a matter which would arise at the time of the delimitation of constituencies.

3917. Am I right in saying that, at present, the definition of a European includes almost all the Anglo-Indians, or a large majority of them?—I do not think so. What I think is true is that a

large number of Anglo-Indian names appear upon the European electoral roll. That is largely a matter of electoral procedure, and the definition of "European" under the electoral rules.

3918. Then I take it you would be in agreement with a proposal which would separate the electors, so as to give a true number to the two communities?—I am in agreement to this extent that I think the electoral rolls of the various communities should be accurate.

3919. And they should be, clearly, confined to the two communities?—Yes, where there is communal representation.

3920. In paragraph 27 of your Memorandum about Second Chambers might I ask you, if all the Provinces are not given Second Chambers, would your Association approve of the White Paper proposal for Federation?—That is, again, a hypothetical question which I cannot answer at this stage.

3921. You advise that Second Chambers should be given to all provinces?—We think that Second Chambers are essential

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in view of the proposals of the White Paper in regard to the franchise, and the increase in the size of the Legislature.

3922. Under Heading VII "The Services" you have made a special note regarding the superior services as recruited by the Secretary of State. You are aware that there are a large number of Europeans of the subordinate services covenanted from England who are apparently excluded under your demand protection. Would you be prepared, as an Association, to suggest anything for their economic protection?—I do not think, as an Association, we should go beyond what we have said in our Memorandum.

3923. As an Association you are only prepared to protect the vested interests of the superior services?—No, that is not the case. As an Association we think that what are called the two superior services should continue to be recruited by the Secretary of State, and that that method should be applied only to those two services.

3924. In regard to the Indian Medical Service, you made a statement that this Service should be protected, and I am in entire agreement with you. Do you think it would serve any purpose if a Committee of Inquiry were instituted to enquire into the entire Indian Medical Service?—I understand the matter is now under consideration by the India Office, and I should imagine that that is sufficient for the purpose.

3925. Would your Association support the appointment of a Minister of Health, in view of the remarks which you made about the public health of India, such as all nations possess?—I think it is probable that a Minister of Health in certain provinces would have enough to do if he had the one portfolio, but I do not think it is advisable to make any general recommendation.

3926. In talking about the transfer of Law and Order, would I be right in saying that paragraphs 12 to 14 of your Memorandum appears to be evidence of a battle on the part of your association between political expediency and an apprehension of fear, and that your support of the transfer of Law and Order is really not a very voluntary one?—No, I think no such conclusion should, or can, be drawn from the Memorandum. The position is perfectly clear that the Association, with one single exception, is prepared to accept the transfer of

Law and Order to responsible Ministers, subject to certain safeguards which we endeavour to describe in as accurate language as possible.

3927. In Bengal, of which you have made specific mention, if it is found that the C.I.D. cannot be separated from the ordinary police, would your Association then still support the transfer of Law and Order?—That, again, is a hypothetical question. I think we have made our position in regard to that perfectly clear, and I have nothing more to add to what I have already said.

Mr. M. R. Jayaker.

3928. May I ask your attention to paragraph 6, sub-paragraph (b). Your Association suggests that if the States do not come in in full numbers the Crown should nominate persons to the unfilled seats. May I ask you for a few details about this. The first question I want to ask is, Do you contemplate the possibility, under that arrangement, of the Governor-General having to nominate 62 men?—It is conceivable, yes.

3929. Whom will he nominate? Will he nominate non-officials or officials—any person, including officials?—Our idea would be to leave the matter entirely to his discretion.

3930. So he can nominate officials, if he chooses?—Yes.

3931. If an important question comes before the Assembly—I understand you are a member of the Assembly at the present moment?—Yes.

3932. Whose whip will they follow—the Viceroy's, or will they combine with a popular party?—It is extremely difficult to say exactly whose behest they would follow, but presumably, as nominees of the Governor-General, they would normally support the Government which is in power.

3933. But you realise that if they were to act according to the mandate, if I may use that expression, of the Governor-General, or the Ministry, it would mean a serious disturbance of the balance of the parties in the Legislature?—Yes, I appreciate that fully, but, on the other hand, the absence of a large number of representatives of Indian States would equally affect the balance in the Legislature.

3934. But for that some other expedient may be found. I am only

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criticising the experiment which you propose here?—Yes.

3935. Do you appreciate my objection that it would seriously deflect from the balance of parties in the House?—Yes, but presumably also the Governor-General, in making his nominations, would bear in mind the general balance of communities in the House.

3936. Yes, but when important questions come up in the Legislature, the merits of which cannot be anticipated, would the Governor-General leave this bloc of 62 to vote as they liked, or would he expect them to be bound by his opinion?—I think on ordinary matters they would be free, in very much the same way as the nominated members of the Legislative Assembly to-day are free. Many times they do vote against the Government, but there are certain occasions when the Governor-General's interests would require them to support him.

3937. There is no comparison between 10 nominated members at the present moment and 62 men?—I quite agree it is a larger number, but I would particularly draw your attention to the first paragraph of that paragraph in which we suggest that the Association's view has always been that a substantial majority of the population of the Indian States should require to be represented in the Federal Legislature before Federation is accomplished.

3938. I will leave the question there. Did I understand you aright—correct me if I am wrong—that your proposal, on behalf of the Association, which Mr. Page elaborated in some detail, is that the C.I.D. in all provinces, not only in Bengal, should be taken out of the hands of the autonomous Government, or a popular Minister, and centred in the hands of the Governor-General, acting in his own discretion?—The position as far as the Association—

3939. I want to know whether I understand you aright?—The position as regards the Association is that we particularly desire to safeguard the activities of the police in connection with Terrorist and subversive crime, and to that extent we have put forward a suggestion which comes from the Association as a whole. On the other hand, there is an apprehension particularly in Bengal, that, in practice, it is difficult to sepa-

rate the special branch from the ordinary C.I.D. work of the police, and in such a case the Bengal branches desire that the whole of the C.I.D. should be taken out of provincial control and placed under the Governor-General, in his discretion. All the Association in general says is: "Here are two views. It is a matter largely for expert evidence and opinion, and we therefore ask the Joint Select Committee to go into this matter and come to a proper conclusion." The only thing on which the Association as a whole is completely united is that it does ask that this particular activity of the Police Department should be entirely safeguarded along the lines suggested.

3940. Yes, but your Association has no views as regards what should be done in other provinces?—No, the Association is very anxious that whatever is done should be applied to all provinces.

3941. But why penalise other Provinces for the sake of Bengal, if I may say so?—It is sometimes necessary to take the view of India as a whole, and, even, to penalise some Provinces for a particular Province. That is particularly true in the realm of finance.

3942. But you see it is a serious detraction from full provincial autonomy?—It is a detraction, I fully admit.

3943. And it would be resented as such?—I think the transfer of the whole of the C.I.D. to the special control of the Governor-General would meet with considerable resentment in most Provinces, but I think that some Provinces, at any rate, would be quite prepared to consider the special safeguards in regard to the Intelligence Branch of the Police which we have suggested.

3944. Then may I take it, speaking generally, that your expedient arises out of the peculiar situation of Bengal, and must be confined to those Provinces where the danger is actual or incipient?—I think we feel, generally speaking, that it would be unwise to single out any particular Province for special treatment, and therefore, in dealing with India as a whole, you have to make allowance for particular conditions in one Province, which may, I may mention, spread to other Provinces in the future, and act accordingly. That is our general view. We want to avoid, if possible, making special provision in the constitution for any particular Province.

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Sir Tej Bahadur Sapru.

3945. I have just two or three questions to ask. Will you kindly turn to paragraph 6 of your Memorandum. You say there: "It believes, however, that in practice some time must elapse between the inauguration of Provincial Autonomy and the completion of Federation." Could you tell me what, according to your estimate, roughly speaking, is the time required for the inauguration of Federation?—I am afraid we are not in the position even to give a rough estimate, but I think I may say this, that it is the hope of the Association that the time will not be unduly protracted, provided the prerequisites are fulfilled.

3946. The words "unduly protracted" convey no meaning to my mind. Do you translate it in terms of five, six, seven, or ten years, as a practical politician?—The point is this, if I may explain it. We are most anxious that the prerequisites which are laid down in the White Paper should be fulfilled fully before Federation is completed.

3947. As business men, how long do you think those financial prerequisites will take to be fulfilled?—As business men, we are more concerned with the economic conditions than with the political conditions, and it is very difficult to give an estimate.

3948. It might take ten years?—It, possibly, might take ten years.

3949. In other words, what your Association is recommending is, "Go back to the Simon Commission Report"?—Certainly not. There is no justification whatever for that assumption. The Association has definitely stated that it supports the proposals of the White Paper in so far as the establishment of Provincial Autonomy is concerned and the establishment of a Federation with Central responsibility. It hopes that the accomplishment of both those objects will be achieved as speedily as possible, but it lays emphasis upon the prerequisites to the establishment of the Federation, and is anxious that not one of those prerequisites should be in any way passed over in the anxiety to complete the whole structure. I hope I have made that clear.

3950. You have made that clear, but that is the European Association's view?—That is the European Association's view.

3951. Now, in sub-paragraph (b) of paragraph 6, you recommend that the

Crown should nominate "persons to the unfilled seats in the Federal Legislature." Do you also contemplate officials being appointed—I do not know whether that question was put to you?—I have already answered that question, yes.

3952. I was not here at that time?—If I may be allowed to repeat my answer, I think I said then that it was a matter entirely within the discretion of the Governor-General, and, presumably, if he thought fit to nominate an official, that would lie within his power.

3953. Have you taken care to ascertain whether that opinion of yours would be acceptable to Indians generally?—We have not done so in an organised way, but in conversations which I have had with certain Indian gentlemen, I have found that when the matter has been explained to them and the reason for the proposal has been made known, they have not raised very serious objections, except such practical objections as were raised by Mr. Jayaker in his questions.

3954. There are one or two questions that I should like to ask you with regard to your statements about the Terrorist movement in Bengal. Is it, or is it not, the fact that the Terrorist movement first made its appearance in Bengal in 1907, or thereabouts?—(Mr. Page.) A little earlier than that.

3955. 1906?—A little earlier than that; in 1905, I think it was.

3956. It was really when Mr. Kingsford came; that was in 1907?—Approximately that.

3957. Now since 1907 there have been periods when the movement has been very strong, and there have been certain periods when the movement has been very weak, in suspense?—(Mr. James.) Yes.

3958. And during all these 20 years, it is the official Government, not responsible to the popular Legislature, which has been managing the whole thing?—(Mr. Page.) Yes.

3959. How much longer do you think it would take the official Government to uproot this movement in Bengal?—(Mr. Page.) I do not think that you will uproot it until you have anarchy in Bengal.

3960. In order to uproot it, you think there must be anarchy?—That is their objective.

3961. Now will you please tell the Committee whether it is, or is not, a fact

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that between 1907 and 1932 the Government of India have passed certain very special measures to cope with this movement?—Yes.

3962. And, notwithstanding that, the movement is there, and has been there?—We find that so long as those measures are strictly enforced, the movement is kept under control, directly they are relaxed, the movement recrudesces.

3963. You think it has taken firm root in the soil?—The estimate which responsible Police officers put upon it is that about 25 per cent. of the present known adherents, are irreconcilables.

3964. What about the remaining 75 per cent.? Have the Police their active support in coping with the movement?—I thought you were speaking of the adherents to the movement.

3965. I am talking of the 75 per cent. who do not belong to the movement?—You misunderstand me. I said, of the known adherents, some 25 per cent. are thought to be irreconcilables, the men who are under custody or detention; there are about 2,000 of them in Bengal at the present moment.

3966. I believe in Bengal you have a population of about 45,000,000 or 48,000,000 now?—50,000,000, I think.

3967. Now what about the vast majority of the people, what is their attitude? Are they prepared actively to support the Government in coping with this movement, or are they simply passive or indifferent?—There is a difference of opinion as to their attitude. I am not speaking of the political body which expressly has supported the movement.

3968. I am talking of the general public?—There is a difference of opinion as regards the educated people. Some Police officers whom I have consulted think that they are secretly in sympathy with the movement. Personally, if I may venture to put my personal opinion before the Committee, after 30 years' residence in Bengal, my view is that it is fear that prevents them from actively assisting the Government to suppress the movement, because, as you know, Sir Tej, especially in Bengal, social ostracism is the strongest factor that can be brought to bear upon the matter, and it is a simple matter to bring it to bear. I am speaking generally. There are, especially in our profession, a number of men who are willing to take any risk.

3969. Of course, our profession is paid to take risks?—No, not always. I always thought we were paid by taking fees. That is a new one on me.

Sir *Purshotamdas Thakurdas*.

3970. In paragraph 61 of your Association's Representation you emphasise the necessity of providing, in the next Bill, for the collective responsibility of Ministers, and you attach great importance to this, as compared to the individual responsibility of Ministers as till now in vogue under the present system in the Provinces. Am I correct in reading this paragraph 61, that you look upon this as a very important provision for an esprit de corps amongst the Ministers themselves in the Provinces?—(Mr. James.) Yes; we regard that as very important as tending to develop responsibility in a Ministry.

3971. In paragraph 17, you refer to the Services, and whilst I realise that there you have in mind what you call the security Services, I wish to inquire whether your anxiety to see that the interests of the Services should be amply safeguarded, can be taken also to indicate your anxiety to see that the servant of the Crown and of the Government in India should also be a contented unit in the whole machine?—Yes, I think you may take that as our view, and that is why we have laid special stress upon the work of the Public Service Commissions.

3972. What I am referring to is, that just as you are anxious that these security Services should be kept contented, adequately paid in the sense of not being under-paid, and, therefore, liable to any sort of temptation, you attach equal importance to the cadre of service in India, whether it be subordinate, either Indian or otherwise, or an inferior service, being equally well kept and content, so that they may be above temptation?—Most certainly.

3973. And you would, to that extent, extend the same principle in dealing with the Services in India, generally?—Which principle do you refer to?

3974. What you have said in paragraph 17. The first line is: "The Association is of the opinion that the interests of the Services should be amply safeguarded," and so on. That applies to all the Services in India?—Yes.

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3975. I would like to ask one question, if I may, of Sir William McKercher, who, I understand, will give evidence on behalf of the Tea Association?—If the question deals with representation, I would, perhaps, ask Mr. Roffey to answer that question.

3976. Yes. It is a very general question that I wish to put to him. I understand that you agree that the tea industry in India is only one branch of the main industry of India, namely, agriculture?—(Mr. Roffey.) Yes, that is so.

3977. Therefore, the tea industry in India should have the same consideration, and the same protection, as the main industry of India, namely, agriculture, on which 80 per cent. of the population lives?—Yes.

3978. If, therefore, in any direction any demand from your Association takes a larger share of the expenditure on the masses of India, which is on the agricultural industry of India, it would have to be justified on special grounds?—(Sir William McKercher.) I am representing Assam, not India.

3979. I know. We are considering all India here, not merely Assam, and I, therefore, ask whether the tea industry can be looked upon as a branch of the agricultural industry of India, to which there can be only one reply, in the affirmative. Then the next question is, that the money available for the development of this industry can only be *pro rata* what can be spared for the agricultural industry as a whole?—(Mr. Hockenhull.) The Tea Association is not applying for any assistance in the matter of its own development.

3980. I did not say that it did apply for assistance in that matter. I was asking generally whether you would agree on these fundamental principles?—The tea industry, as we are capable of speaking of it, applies particularly to the Province of Assam, and it is with regard to the development of Assam as a province that we tender our evidence.

3981. I will draw your attention to your printed Memorandum, in which you refer to the importance of your industry in Assam: "Of the total cultivated area, one-fifth is included in tea gardens"?—Quite correct.

3982. Therefore, of the total agricultural area in Assam, there are four-fifths which are non-tea and which are still agricultural?—(Sir William McKercher.)

A great deal of this four-fifths is not developed, so far.

3983. All the more reason that they should not be neglected?—Quite.

3984. I only wanted to understand, generally, the basis on which you lodged your claim. That is that you should not be neglected, whilst the general agricultural industry of India, or of an Indian Province has an advantage over you. That is all you are asking for?—(Mr. Hockenhull.) We would like to point out that of this four-fifths, a great deal of it is under jungle; it is not developed in any way. It is a fact that so much of the proportion of it is developed that we are entitled to speak at all on behalf of the Province.

3985. Of the total cultivable area—does that mean under cultivation, or only being brought under cultivation?—It means the latter.

3986. What is the area under cultivation, roughly?—Do you mean under tea?

3987. Total cultivation. I now want you to tell me, if you can, the area under cultivation in Assam?—About 2,000,000 acres.

3988. What proportion would it be, instead of one-fifth, to yours; would yours be one-third or one-half?—(Sir William McKercher.) I am afraid you are getting rather mixed up in this. The area under tea lands is 1,648,236, which represents approximately one-fifth of the British territory, under the British Government.

Sir Purshotamdas Thakurdas.] I was, my Lord Chairman, going on what has been given here. They here give the figure of the cultivable area, and say that their interest is restricted to one-fifth of it. The figure now given does not help me. You gave me the total figure of the acreage of Assam, as far as I can follow you. If it is not handy, I will not press for it.

Chairman.] When I relate the importance of this question, however essential the matter may be, to that of the various other matters to which the Witnesses will speak, and think of it in the light of our very limited time, I think I am justified in asking you to shorten your examination, as far as you can.

Sir Purshotamdas Thakurdas.] Before you spoke, my Lord Chairman, I was going to say, if the Witnesses have not the figures, I do not wish to press the question.

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Mr. Rangaswami Iyengar.

3989. Mr. James, I want to put to you two questions; first with regard to the necessity for retrenchment of expenditure and reduction of the present heavy taxation which is imposed on India. You were a member of the Madras Retrenchment Committee appointed by the Madras Government, I take it, and you made some far-reaching proposals in respect of retrenchment which were accepted, more or less, by the Madras Government?—(Mr. James.) Yes.

3990. Do you recollect that in those recommendations, you proposed the general grading down of all salaries in the Provincial Services and subordinate Services, to the extent of 25 to 30 per cent., at least, of the present scales?—I do not remember the exact percentage of scaling down; I do remember that we proposed certain new scales for new entrants to the Services. I think it probably went down further than 25 per cent.

3991. And in that Report, you said that the question of fixing the salaries of the All-India Services that will operate under Provincial Governments, was one which you were not competent to deal with, and you would leave it to the Central or other authorities that had jurisdiction in the matter?—Yes.

3992. Now I want you to remember that in connection with what you have stated in paragraph 18 of the European Association's Memorandum, in which you have urged that the security Services should not only be guaranteed their present scales of salary in the future, but that future recruitment should go on on the present scale of salaries for five years, and at the end there should be a Commission to examine the position. Have you examined this proposition in connection with the line which you took on the Madras Retrenchment Committee?—I think we have said nothing in our Memorandum which relates to salaries. All we suggest is a continuance of the recruitment, the appointment and control of these two Services by the Secretary of State, but we have not said anything about the salaries.

3993. I stand corrected, Mr. James, but you would agree that the same principles, in regard to the Madras Retrenchment Committee proposals in respect of scales of salaries, should apply also to the salaries of the All-India Services for

the future?—I would not say exactly the same principles. I think it is possible, in the future, that some reduction may be considered, but as to the extent of that reduction, I should not be prepared to make any statement.

3994. You think that with the present financial conditions of India these reductions in salaries, whether of All-India or of Provincial or of subordinate services, have become absolutely essential if the Governments are to balance their budgets?—I should like to explain that the Association, as a whole, has not offered any opinion upon that, but if you want my personal opinion, for what it is worth, the answer is in the affirmative.

3995. Does, or does not, your Association consider that the future financial stability and balancing of the Federal and Provincial budgets is an essential prerequisite to the functioning of the new Constitution?—Yes.

3996. On that footing, is not it necessary that those who now plan the future Constitution should have in view the need for revising the scales of salaries of all the services of India?—That is, naturally, one of the topics they would have to bear in mind in arranging the resources for the new Constitution.

3997. I take it your view is that this reduction of salaries all round is a necessity under present conditions?—It should be considered very carefully.

3998. You said that the institution of Second Chambers in the Provincial Legislatures would dispense with the necessity of the Governor exercising special responsibilities, and that is an advantage which you would want to retain, and that is one of the reasons why you would urge the institution of these Second Chambers?—We have not said that exactly. If I may remind my Lord Chairman and the Committee what we have said in paragraph 28, it is this: That a Second Chamber would act both as a restraining and a revising influence on the Lower House and would therefore, probably, be able to act as a buffer from time to time between the Governor and the Lower House, and we endeavoured to explain that we regarded the maintenance of the impartiality of the Governor as a very important factor, and that anything that would remove him from conflict with his legislature would be welcomed. That was our point.

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3999. What I am on is this; I believe you answered Sir A. P. Patro's question on the matter: The fact that a Second Chamber exists would enable the Governor to dispense with the exercise of his special responsibility and that is an advantage that you wanted to secure?—I am afraid, if that was the impression you gained from my answer, I must have put it in a very bad way. I never suggested for one moment that the institution of a Second Chamber would enable any Governor to dispense with his special responsibility. All I wanted to explain was that we viewed the establishment of a Second Chamber as a method whereby the Governor might from time to time be saved from exercising his special powers.

4000. That is what I meant?—Not dispense with them.

4000a. Very well. If the need for the exercising of those special responsibilities ceases, the need for the existence of a Second Chamber, *pro tanto*, will cease, will it not?—I fear that is a reasoning that I cannot quite follow.

Sir Phiroze Sethna.

4001. You appear to be very insistent with regard to the establishment of Upper Houses in all the Provinces, and that, although more than one Member informed you this morning that such a proposal would involve more expenditure. I know you added a proviso that the number of Members in the Lower Houses might be reduced. Are you still of the same opinion?—The opinion we have stated is very clearly set forth in our Memorandum. On this question of expense, I would like to say this: All we have done in the Memorandum is to ask the Joint Committee, in making their recommendations, to take into consideration the question of expense. It may be found that some additional expense is inevitable. All we say is, first of all, it should be cut down to the minimum, and, secondly, in estimating your resources for meeting that expenditure you should not take into consideration the surcharges which at present exist on Customs and Income Tax.

4002. At the present moment I may point out that Members of the Central Legislature, as well as of the Provincial Legislatures, are only paid travelling charges and board allowance. Is it possible that within a reasonably short

time, following the example of Great Britain and other parts of the Empire and also that of our next-door neighbour Ceylon, there may be a demand for paying Members, and if that is done do you not think that the expenditure will be far more than what you anticipate at the present moment, in spite of the recommendations you have made for securing economy?—I should imagine that such a proposal would greatly increase the expenditure, but I am not aware that the Members of the House of Lords at present are paid a salary.

4003. Then do I take it that you do not want the Members of the Upper House to be paid, but you only want the Members of the Federal Assembly and the Lower Houses to be paid?—I am afraid you cannot take any such thing; I am sorry.

4004. Mr. James, will you give us the total strength of your Association in numbers?—I believe, in round figures, it is between 7,000 and 8,000.

4005. All over India?—Yes.

4006. I think you mentioned this morning that the total European civil population is 100,000 in India. Is that correct?—I think that includes military, but I am not absolutely sure about that. I have been asked a question as to the population of Europeans in India. I have not the exact figures with me.

4007. What is the total number of adults?—(Mr. Page.) About 50,000.

4008. Would you say that, of the 100,000 Europeans in India, according to you, there are 50,000 European male and female adults, and the remaining 50,000 are military?—No, I do not think that is so. I am afraid I cannot give you the figures of children: that is the difficulty. We have no census from which we can give the numbers of children under the age of 17.

Marquess of Zetland.] It is quite easy to get all these figures out of the Census reports or any reference book. Is it necessary to cross-examine the witnesses on the question of the actual figures?

Sir Phiroze Sethna.] I am obliged to Sir Hubert Carr for giving me a paper which gives the population of Europeans and allied races in India at 156,000, but it does not say whether it includes the military.

Lord Hardinge of Penshurst.] No, of course not.

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Sir *Phiroze Sethna*.

4009. There is a difference of opinion. Sir Herbert Gidney says "yes" and I hear "no" on the other side. Of the 156,000, whether they include the military or not, how many are Anglo-Indians and Domiciled Europeans? Can you give me any information as to that?—(Mr. James.) I would again refer you to the latest copy of the census figures which was published in the early part of this year.

4010. In the Report the Commissioner states that a large number of Anglo-Indians are included in this total which increases the total European population and reduces the Anglo-Indian population?—I think that is possible, but not to a very large extent. I can give the figures which were quoted in the Simon Commission Report, and which have not greatly altered since then.

Chairman.] I think all these figures are available to us in various papers, statistical notes, and so on. I greatly hope Sir *Phiroze Sethna* will come to his point now.

Sir *Phiroze Sethna*.] The reason I asked the question was to ask Mr. James why he thinks the number of seats allotted to Europeans in the Federal Assembly is small. According to Appendix II, on page 90 of the White Paper, he will find that eight seats are allotted to Europeans in the Federal Assembly, and in the footnote it is stated that in all probability six more Europeans will represent commercial and industrial interests, which would make 14 out of 250. What I wanted to point out was that the European community, on the basis of their population, have a representation of as much as 1,500 per cent., or even more, and I ask, therefore, if the European Association are justified in asking for more seats.

Sir *Austen Chamberlain*.] 1,500 per cent., did you say?

Sir *Phiroze Sethna*.] Yes, as compared with the other communities.

Sir *Austen Chamberlain*.] What does that mean?

Sir *Phiroze Sethna*.] Fifteen times what the other communities have now.

Mr. *Zafrulla Khan*.] That is to say, the proportion of European members to the total membership of the Legislature would be 15 times as much when compared to the proportion of other com-

munities with reference to their own populations. I think that is the point.

Sir *Phiroze Sethna*.] I am much obliged.

Witness.] I have not answered the question. The answer to that question is simply that if we based our claim to representation merely on population figures we should get no representation at all anywhere, but we base our claim to representation, firstly, on what representation we at present enjoy, and, secondly, on what I think is a reasonable basis—the peculiar position of our community, the part it has played and is playing to-day in the development of India, and the special interests which it represents; and we have endeavoured, in our Memorandum, to lay that emphasis even more strongly by pointing out that, under the proposals of the White Paper, the official bloc goes out of the Legislatures and the only British members of the Legislatures in the future will be those representing the non-official British community. From personal experience I can say most categorically that I have not yet found, in any quarter of India, or in any Party with which I have had connection, any reluctance on the part of our Indian friends to give us, at least, our existing proportions in the Legislature, and I should like to make that public statement before the Joint Committee because it has a very distinct bearing on our claim.

4011. Do you not find difficulty, even at the present moment, in getting suitable Europeans to represent your interests in the Legislature, because their employers or their principals in this country do not desire them to take part in politics?—No, we have not had great difficulties. There have been, in the past, certain difficulties, owing to the fact that until recently many of the big firms have not realised their responsibilities in this matter, but I am glad to be able to say that there is a considerable awakening of responsibility on the part of the great commercial houses, and we do not anticipate any difficulty in the future in filling all our seats.

4012. I quote from paragraph 34 of your Memorandum to which you have just now referred, a sentence which reads: "It has been the practically unanimous experience of the members of the Association who have served on Provincial and Central Legislatures, that

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their presence and co-operation have been welcomed by their Indian colleagues." I, for one, certainly endorse that. I admit that the European Association have sent very capable and very good men to the Legislatures, and they have worked in co-operation with their Indian colleagues; but what I want to point out is that if you are experiencing difficulty to-day and in spite of the awakening to which you have just referred, you will find it still more difficult as the years go on and do you not think you will not find suitable men to represent your interests if your representation is increased?—I have answered that.

4013. You have told us your total strength is between 7,000 and 8,000. You have also told us you do not know the exact number of Europeans, but you think it is about 50,000?—More than that.

4014. May I take it that the difference between 50,000 and over and 7,000 and 8,000 also share the views which you have expressed and which you have conveyed in your Memorandum?—It is very difficult to say a thing like that. We are representing the views of the only All-India organisation of European British political opinion in India, and I am putting forward the views of that Association. It is the only vocal body which expresses any political views at all throughout the whole of India. I cannot possibly claim to speak for those who are not members of this Association, and therefore I must content myself with placing the views of the Association before the Joint Select Committee.

4015. Are not you aware of an organisation started in Bombay a year or two ago, whose member are all Europeans (none of them are domiciled Europeans or Anglo-Indians), who have openly expressed their views, which are different from those conveyed in your Memorandum. I mean those who, on the eve of Lord Irwin's departure, sent him a letter to say that they entirely agreed with all he had done and with all he proposed to do; and may I ask if that organisation, and those who support it, would be in agreement with you in regard to the views you have expressed about the C.I.D. being kept a Reserved subject with the Governor-General and the Governors?—In the first place, that was never an organisation. It was a

voluntary statement to Lord Irwin made by a number of individuals who got together for that particular purpose, but they did not form any separate organisation. Secondly, I think I am in a position to say that those gentleman are, I think, almost all of them, members of the Association whose Memorandum I am now presenting.

4016. Therefore they differ from you in this matter about the C.I.D.?—No, they are members of the Association which I represent. The letter which they addressed to Lord Irwin on the eve of his departure had no reference to the proposals of the White Paper, which were then in embryo.

Sir *Hari Singh Gour*.

4017. Mr. James, may I ask you one question? You remember that the Legislative Assembly passed a vote on the White Paper and it was unanimously passed by the concurrence of all sections of the House, including the European group?—Yes.

4018. And you were one present at the time?—Yes.

[Sir *Hari Singh Gour*.] When that vote was passed I asked if any Member of the House had any objection to it, and nobody objected to it. Now I wish to ask you whether you, as a Member of the European group in the Legislative Assembly, are in agreement with the terms of that resolution?

Mr. *Zafrulla Khan*.] What was that resolution?

Sir *Hari Singh Gour*.] I am going to tell you.

Mr. *Zafrulla Khan*.] Let us hear it first.

Witness.] I would refer Sir *Hari Singh Gour* to my own speech, which I believe is now enshrined in the proceedings of the Assembly, and he will there see precisely what our attitude was at that time.

Sir *Hari Singh Gour*.

4019. Mr. James, I am not dealing with individual speeches; I am dealing with the Resolution that was adopted by the unanimous vote of all sections at the House, including your group?—I would point out, my Lord Chairman, first of all, that I spoke not as an individual, but on behalf of the community which I represented, and, secondly, that there was no division, and the various parties

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decided by agreement not to challenge a division, owing to the general nature of the Resolution which was passed.

Sir *Hari Singh Gour*.] I take it, therefore, that as a representative member belonging to the European group in the Legislative Assembly, you are still in accord with the terms of that Resolution?

Mr. *Zafrulla Khan*.] Surely, Mr. James has made it perfectly clear that he spoke on the Resolution?

Sir *Hari Singh Gour*.

4020. That Resolution clearly and categorically asserts that the White Paper is not acceptable to the people of India, and that the safeguards are too numerous and too rigorous, is that not so?—I forget the precise terms of the Resolution, but it will be remembered, no doubt, by members of the Assembly at the time, that this particular Resolution was chosen by all leaders of all parties as being the most vague and comprehensive on which anything in connection with Indian Constitutional reforms could be said. That is why no division was counted, because a division on a Resolution of that kind would have meant nothing.

4021. Now I wish to ask you another question. Is it not a fact that the present Indian Legislative Assembly is composed of people who are of moderate political opinion in India?—I do not think it is the place here to reflect upon my fellow members of the Assembly, but, my Lord Chairman, I have heard some very extreme views given expression to, even by Sir *Hari Singh Gour*.

4022. Now I ask you this question: Do you think that the views of your Association will be voiced by that section of the people who are classed as Constitutionalists and co-operators with the Government?—I hope so; I cannot say.

Sir *Hari Singh Gour*.] But are there not expressed views in the Press and on the platform and in the Legislative Assembly to the effect that the safeguards proposed by the White Paper are too numerous and too rigorous to make this scheme really workable?

Sir *Austen Chamberlain*.] That is what the Committee has to decide, or whether they are sufficient.

Sir *Hari Singh Gour*.

4023. I am asking the fact?—That is true; but I would also remind the Committee that, in addition, there have been

speeches and representations made in India from all quarters asking for additional safeguards.

4024. I am speaking of the responsible representatives of the people; I am not speaking of the irresponsible people to whom you refer. Can you point out to me any responsible body of men who have asked for the strengthening of the safeguards on the lines of the representation of your Association?—I hope, my Lord Chairman, that I shall not be pressed to make any invidious distinctions between who are responsible and who are not.

4025. You have asked in this Memorandum that the English language should be made the language of the Indian Legislature. Now if the Statute was to provide for making the English language the vehicle of expression of opinions in the House, do you not think there would be a reaction by the mere fact that there is a compulsory Statutory provision giving prominence to the English language?—No.

4026. You do not think so?—No.

4027. Do you not think that if the people are left to themselves, the English language will naturally become the language which the people would express themselves in both in the Centre as well as in the Provincial Councils?—As far as the Centre is concerned, I should hope so, but for the reasons given in paragraph 9 of our Memorandum, we suggest that it is better to make provision for that. As far as the Provinces are concerned, I think we have made it clear that English should be one of the languages. In certain Provinces, no doubt, in the near future, the proceedings in the Legislature may be very largely conducted in the vernacular.

4028. Mr. James, for how long have you been a member of the Legislative Assembly?—I think about one year now.

4029. About twelve months?—Yes.

4030. During those twelve months, did you have any experience of the working of the Centre Second Chamber, known as the Council of State?—I attended certain debates in that House, and as far as our own European party is concerned, it consists of members of both Houses, so that we are kept very closely in touch with the work of the Upper House.

4031. Do you think that you will be able to get a sufficiently good personnel

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for the Second Chambers in the Provinces, and yet leave a sufficient margin to constitute—

Sir *Austen Chamberlain*.] My Lord Chairman, on a point of order, that question was put to the Witness a few minutes ago and was answered by him at length.

Sir *Hari Singh Gour*.] My Lord Chairman, I do not remember that question being put.

Sir *Austen Chamberlain*.] You read the evidence. If you had listened to the other questions, you would have heard that question put and answered

Sir *Hari Singh Gour*.

4032. As regards the unemployment question, the question was put to you that there is considerable unemployment amongst the members of the Anglo-Indian community. Is it not a fact that there is a great deal of unemployment amongst the Indian middle classes?—Yes.

4033. And that their cases cannot be distinguished from the general unemployment problem among what is known as the educated or middle classes of India?—Yes.

4034. Now you have suggested that the C.I.D. should be made a special responsibility of the Governor-General, and you have further suggested that for the time being 62 members, or thereabouts, representing the Indian States, should come into the Federation, should be nominated by the Governor-General. Now if the Governor-General in the exercise of his special responsibility is in conflict with the Ministry, do you not think the use of statistical rolls would be a decisive factor?—My Lord Chairman, I think Sir Hari Singh Gour has not fully understood the Memorandum which we have put forward, and I would like to direct his attention to paragraph 6 (b), and paragraphs 13 and 14; and I would like to suggest that if he will read those carefully, he will find the answers to the two questions he has put to me.

4035. Having read that carefully, would you give us the answer?—I do not think it is necessary for me to say more than I have already said in connection with the Memorandum.

4036. Do you think that the transfer of the Police powers to the Governor-General as a measure of his special

responsibility throughout India would not add to the opposition which the people have already offered to the White Paper?—I do not altogether follow the question.

4037. Do you not think that this additional safeguard would make the White Paper scheme still more unpopular with the people of India?—I think that it is possible that a number of people would express opposition to this particular safeguard that we desire, but that does not alter the fact that we desire that safeguard.

Chairman.] The Committee will appreciate my anxiety to allow as many Members and Delegates as possible to ask questions to-day.

Sir *Hari Singh Gour*.

4038. I have one more question, and I have finished. I will ask it of Mr. Page. Mr. Page, you have spoken about the Terrorist movement in Bengal?—(Mr. Page.) Yes.

4039. Do you think that the Terrorist movement in Bengal which has been brought under check, has not been brought under check on account of the exceptional emergency powers with which the Government of Bengal has been armed?—That is the only means by which it has been brought under any measure of control. It is not under control. The police, if I may use the phrase, are slightly ahead of them. I think it would be a very rash statement to say that that movement is at present under control. Without those emergency powers it would be impossible.

Sir *Abdur Rahim*.

4040. Mr. James, of course, you are naturally anxious that under the new Constitution the terrorism or subversive movement should not have a chance to re-emerge. I want to know this from you, whether you are proposing to exonerate the Ministers of the Provinces and the Centre of all responsibility for the suppression of such movements?—(Mr. James.) As I explained earlier on, the view put forward by the Association is contained in paragraph 15 of the Memorandum, and there it is suggested that normally the Governor would act on the advice of his Ministers. Only if his Ministers were not willing to take the steps which he thought would be necessary would he be empowered to take

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such action as he thought best. Then I also explained (Mr. Page elaborated the explanation) a subsequent view that has been put forward which would, in effect, take the C.I.D. out of the hands of the Ministers altogether.

4041. I was alluding to that?—All we suggest is that the Joint Select Committee should look into these two proposals, and we shall be satisfied as an Association if, in whatever machinery is finally adopted, it is made perfectly clear that the work of the Special Branch of the police dealing with Terrorists and the subversive movement is completely safeguarded on the lines we have suggested.

Chairman.] I think the Committee and the Delegation will agree that the witnesses have made their position in this matter abundantly clear at least three times, and I should hope that all would rest contented with that.

Sir Abdur Rahim.

4042. I wanted to know whether you would place responsibility for suppressing these movements on the Ministers at all. You see, if you take out the machinery, that is the C.I.D., which, you may think, is the real machinery for dealing with such movements, you cannot expect the Minister to deal with it, because it will not give him that control. I am putting it to you, does it not really mean that you will be exonerating the Minister from all responsibility for the suppression of these movements. It would amount to that?—The two proposals put up are, in the first place, that the Minister would be given an opportunity, if he were willing to exercise it, of using his responsibility, leaving it to the Governor to take action, if the Minister were not willing. The other view which Mr. Page put forward this morning is that the Minister should not be given a chance of exercising or not his responsibility, and that the whole of the C.I.D. should be under the Governor-General at his discretion. Those are the two methods that have been put forward to the Committee.

4043. What I am putting to you is this, that if the Ministers are to be responsible at all, they must have the machinery at their command with which to exercise their responsibility? Is that not so?—Yes, that is fair.

4044. As regards Bengal, Mr. Page, I do not know that you have ever been in

the local Council at all, have you?—(Mr. Page.) No.

4045. Therefore, your information about the Bengal Council is derived from what you know from the newspapers and what you hear?—I know a good many of the members of that Council; whether they tell me the truth, I cannot tell you, but I hear a good deal of what goes on in it.

4046. I did not ask you whether any members were misleading you, or not; I simply want to know whether you have any experience?—I am explaining to you that my information is not derived from the source you mentioned, the newspapers; they do not report the debates.

4047. I want to ask you, have you studied the proposed composition of the Bengal Council?—Yes.

Sir Abdur Rahim.] There you will find that the Muhammadans are given 119 seats, out of 250; then, Europeans, 11 seats; then the Commerce and Mining and other Planting industries have been given, I believe, 19 seats, of which, I take it, the Europeans will have the majority; then there will be four Anglo-Indians, and 30 Depressed Classes. That forms a very clear majority.

Earl of Derby.] This is all set down; we do not want it repeated.

Chairman.] The Noble Lord, Lord Derby, suggests that the essential points to which Sir Abdur Rahim is addressing his questions are all in the Memorandum.

Sir Abdur Rahim.

4084. I do not know that they are, I want to put it to the Witness that there will be a very clear majority of these representatives. Is that not so?—(Mr. James.) If they should all at the same time vote in the same Lobby, which, from my own experience of the Legislative Council, is extremely unlikely, the answer is in the affirmative.

4049. But, I mean, that these are the classes' representatives who can have no sympathy with the Terrorist crimes. Is that not so?—That is so.

4050. And they will be in a very clear majority. I want you to elaborate what you have stated in paragraph 4, at the top, regarding economy. You say: "Its representatives have put forward their views in the Legislatures in India with

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regard to retrenchment in the Civil and Military administration of the Government of India and of the Provinces." Am I right in saying that even among the European members there is a considerable opinion that the Military expenditure can be further reduced without endangering the safety of India?—No; I do not think it is fair to attribute that to European opinion generally, and I would refer my Lord Chairman and the Committee to the Proceedings of the Assembly and of the Provincial Councils where European representatives have made their point with regard to economy.

4051-2. Do I understand that no such opinion has been expressed by members of the European group in the Legislative Assembly?—I do not think any opinion on those lines has been expressed in the Assembly in regard to the general administration of the Army. (Sir *Abdur Rahim*.) I think you should refresh your memory regarding that. Then I want to know only one thing about the Second Chamber.

Nawab Sir *Liaquat Hayat-Khan*.

4053. Would you kindly refer, Mr. James, to paragraph 6 (b) of your Memorandum, where you make suggestions as to how certain unfilled seats allotted to the States should be filled up by nomination by the Viceroy. I merely want to understand whether you mean that the Viceroy should be free to nominate British Indians who are unconnected with the States to fill up these seats which are allocated to the States, or whether you mean that his nomination should be confined to those Indians who are connected with the States?—(Mr. *James*.) I think our idea was that it should be entirely within the discretion of the Viceroy to choose whomever he should wish.

4054. Am I to take it it should be open to the Viceroy to fill up a large number of seats which really belong to the States by the nomination of British Indians who have nothing to do with the States? I want to understand what your proposition is. Will that be the position?—Our view is that he should be entirely free, and we do not regard the unfilled seats as belonging to the States, because, my Lord Chairman, our idea is that a seat which remains unfilled remains unfilled because a particular State does not wish to come into the Federation, and therefore, in filling that seat, until such time as the

State would come in, our opinion is that the Governor-General should be entirely free to nominate.

4055. May I then direct your attention to the last sentence in this same paragraph 6 (b), in which you state: "In agreeing to the establishment of a responsible Federal Government the Association was influenced by the belief that the accession of the Indian States would bring to the Federal Legislature and Executive that hereditary experience in government and that stability which would fully justify such an important step; and it views with some concern the possibility of a large number of seats in the Federal Legislature allocated to the States remaining unfilled for some time after the actual establishment of responsible Federal Government." Would you like this unfilled section to be filled up by the class of people you are referring to here who bring in stability and who have hereditary experience of government, or would you leave it open to the Viceroy to nominate any class of people he chooses, in view of what you have said here?—We should be prepared to leave it open to the Viceroy to nominate whom he would, but our hope is that if this method were adopted, possibly the States might be more willing to come into the Federation if they knew that their seats were going to be filled by nomination in their absence.

4056. You are merely suggesting this with a view to tempting more States to come in at the beginning?—Not altogether. (Sir *William McKercher*.) It would be an inducement. (Mr. *James*.) That I think might be one of the results, but the real point, from our point of view is this, that it would give greater stability to the Legislature and greater stability to the Executive, whereas if you have a Federal Legislature which is only filled as to half the seats allocated to the States, it would not have that same stability which we should desire, and which we believe would be possessed by that Legislature if and when all the States come in.

4057. Supposing the Joint Select Committee accepted some proposal, whereby the voting strength of the States which have acceded to Federation is augmented for the time being, till the vacancies are filled up, will that serve your purpose as long as you have the full voting strength of the States, in spite of the

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fact that all the States are not represented there; that is to say, if some system of augmentation of votes is introduced and the Joint Select Committee accept that so as to give this section in the Legislature the position you desire it to have—full strength?—I do not think I should be prepared to commit my Association to an acceptance of that view here, but I should be prepared to say that anything which would achieve what the Association really wants, namely, stability in the Legislature and in the Executive, would certainly receive our sympathetic support.

Sir Akbar Hydari.

4058. Mr. James, I would refer you to paragraph 4 where you say that an effort should be made in the direction of smaller Houses for the Federal Legislature. Excluding the Indian States quota in order to simplify the argument and taking only the British-Indian portion, in the present Legislature is it not the fact that the present figures in the two Houses are 60 in the Upper House and 145 in the Lower House?—Is it 140 or 145?

4059. 145 according to what I have here?—I will accept those figures.

4060. Out of these, if you exclude the nominated portion, would not the figures be respectively (confining yourselves only to the elected portion) 33 in the Upper House and 104 in the Lower House?—Yes, about that.

4061. So that the total elected strength of the two Houses in the present Legislature is 137?—Yes.

4062. But supposing all these, if, retaining the present strength of the British-Indian Legislature, you threw open all the seats to the elected element, would not that give you an increase of about 50 per cent. in the representative element of the Legislature?—Yes.

4063. 50 per cent.?—Yes, approximately.

4064. Would not you consider that to be a sufficiently large first instalment of the advance in representative institution?—As I think I explained a little earlier this morning, our original view certainly was that the Federal Legislature should be of a size rather representing what has just been mentioned by Sir Akbar Hydari, namely, that the Upper House should be quite small, numbering about 60, representing rather governments of the various units.

4065. Would you not be more tempted to work for that, in view of the difficulties we are experiencing in Federal finance, and the necessity for curtailing expenditure in every possible way?—That is, certainly, a very important factor.

4066. If you go beyond that and if you go to the other number to which, if I understand aright, you agreed only as a compromise at the end of the Second Federal Structure Committee; if you take 120 in the Upper House and 200 in the Lower House, you would still have an advance of something like 133 per cent. in the elected portion of the Legislature?—Yes.

4067. We have very often heard that 500 or 400 or 300 for a Federal Legislature in India is not too large when you take into account the largeness of India. Is it not a fact that we have to take into account and consider the kind of questions that are dealt with by the Provincial Legislatures as being the same as those which the House of Commons deals with here, and is it not a fact that, at present, the total of the Provincial Legislatures is something like 667 and that, in the proposals which are being accepted, you will have a total of 1,500 in the Provincial Legislatures to deal with these questions?—Yes.

4068. And that the balance of questions which will remain over for the Federal Legislature will be small and more or less technical?—They will be small in comparison, but they will be very important.

4069. I come only to one question with regard to paragraph 6 (b), where you are suggesting that the vacancies in the Indian States seats should be filled up by the Governor-General. Have you got something of this kind at the back of your mind, that, really speaking, in view of the Constitutional position of the Crown as the paramount power over the Indian States, and the fact that it is the exercise of that power that has enabled the paramount power to give effect to its decisions in Indian States areas, you feel that before the Crown allows its powers in these areas to be exercised by the Federal Government, there should be some provision for the Crown having its voice heard, in view of all the States not acceding?—That expresses very clearly what is in our mind.

4070. And therefore when the Governor-General would make his nomination he

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would really take into account, more or less, the sort of representation he would add to the Federal Legislature, in order that he may have less necessity of exercising his paramountcy powers to intervene in any decision of the Federal Government which might have operation in the States which do not accede?—Yes.

Sir *Hari Singh Gour*.] But would not those nominations neutralise your vote?

Begum *Shah Nawaz*.

4071. At the beginning of paragraph 24 you make it quite clear that most of your branches consider the majority of these franchise changes undesirable and unnecessary. As was said this morning, there are some other people in the country who hold the same point of view. At the same time, I suppose you are aware that there are certain sections in the country, say, for instance, the women, who think that the proposed increase is inadequate. In order to satisfy these two conflicting elements in the country, has your Association considered the question of an indirect system of franchise which would, shall we say, for the present, give a direct vote to 10 per cent. of the population for the Provincial Assemblies and about 5 per cent. for the Federal Assembly?—The Association as a whole has not considered that, but all the branches of the Association have considered that in their own Provincial spheres, and, as far as I understand their view, it is that, while some of them were rather in favour, at one time, of an indirect system, they came to the conclusion that, under the present circumstances existing in India, in which a direct franchise has been enjoyed for so long and in which a direct franchise is now enjoyed in so many local bodies, an indirect franchise would not commend itself to the majority of the people.

4072. Is that the only reason that you can give against the introduction of this system?—That is the reason which mainly influenced our branches, as far as I remember. There were other reasons, of course, administrative and so on, but we were not particularly concerned with those.

4073. In your considered opinion, do you think that such a reason would suffice for not introducing the system of indirect franchise which would be more

suitable to the conditions in India?—I think, if I may give my own view, for I have not the view of the Association, if it were the general wish of the majority of the Indian communities that such a system should be adopted we, certainly, would not object.

Sir *Austen Chamberlain*.] May I just ask one question in relation to the last part of the examination: What is the system about which you were asked and to which you said there would be no objection on your part?

Begum *Shah Nawaz*.

4074. The group system?—The group system of voting.

Sir *Austen Chamberlain*.

4075. The indirect system of voting?—The indirect system.

Mr. A. H. *Ghuznavi*.

4076. You were a member of the Bengal Legislative Council?—Yes.

4077. For how long?—Five years.

4078. Since when have you left Bengal?—I left in 1928.

4079. You were a member of the Madras Legislative Council?—Yes.

4080. You are now a member of the Legislative Assembly?—Yes.

4081. I put it to you, Mr. James, that Sir Charles Tegart, in his speech delivered before the Royal Empire Society in November, 1932, made the following observations: "The first point I would like to impress on you is that terrorism (like, indeed, Civil Disobedience) is essentially a Hindu movement." Is that statement correct?—Yes.

4082. I put it to you that not a single Muslim has taken part in this terrorist movement. Is that correct?—As far as I am aware, that is the case.

4083. The Criminal Investigation Department deals only with ordinary day to day crimes, such as forgeries, etc., and not with Terrorist crimes?—As far as most Provinces are concerned (I am not dealing with Bengal for the moment) I understand that the same officers in the Criminal Investigation Department are sometimes required to deal with special cases coming under what is known as the Special Branch Department, so that they may have the same officers dealing one day with ordinary crime and the next day with special political crime.

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4084-5. What I want to put is this: that the Terrorist activities and crimes are investigated by the Intelligence Branch, not by the C.I.D.; that is to say, the third Branch of the Police Department—the Intelligence Branch?—Actually in Bengal I understand that both Departments are under the same D.I.G., and I know that in other Provinces the one D.I.G. deals with ordinary crime and special crime.

4086. If the C.I.D. only dealt with ordinary day to day crimes, have you any objection also to transfer that to the ordinary police?—I think it was made clear several times that if we could be satisfied that the different activities of the police could be separated and safeguarded in the way we suggest, then we should not object to the other Departments being handed over.

4087. With reference to paragraph 5 of your Memorandum, do you not think that the future governments would be so much more expensive that it would be impossible to balance their budgets without these surcharges?—That depends a great deal upon the future governments.

4088. Is it not clear then that these surcharges must be taken into account in estimating the future central and provincial budgets?—No; the contrary is the case.

4089-90. With regard to your statement in paragraph 6 (b), supposing the Princes laid down certain conditions which made a federation of the Indian States and Provinces impossible, would you not agree to a federation of the Indian Provinces?—We should be prepared to consider that eventuality if, unfortunately, it came to pass, but I am not prepared to make any statement upon it now.

4091. Do you consider that the rule of those Princes who have not established legislatures is a form of self-government?—I do not think the Association is called upon to express any opinion as to the internal administration of any State.

4092. Are you of opinion that those Princes who have not established legislatures can be considered as a rule to be successful administrators?—I think the answer I have just given applies also to that question.

Major *Cadogan*.

4093. Might I ask Mr. James this question? You propose smaller legislatures in some of the Provinces?—Yes.

4094. Am I right in supposing that that might mean constituencies larger in area?—Not necessarily, if the franchise is not increased to the extent which is proposed in the White Paper.

4095. I am talking of the area of the constituencies. May I explain the purpose of my question? One of the criticisms of the White Paper has been that you will not be able to have the responsibility of a member to his constituents, as we understand it in England, under the White Paper proposals, because the area of the constituency will be so enormous, especially in the country, where communications are not good, and I say, if that is so, might not that mean that you would have constituencies which are larger in area?—Yes.

4096. That might be a drawback?—Yes; but I think in this connection it is not wise to apply the standards which are known in this country, where, at least, a very large number of your areas are industrial areas, to the conditions in India. I think the provincial government of the United Provinces, in its memorandum on the Simon Commission Report, pointed out that while an area might be very large in an agricultural country like India, the actual influence of its sitting member on that area might be as great as the influence of a sitting member representing a smaller industrial constituency in this country.

4097. Then I apologise for returning to the questions put by Sir Austen Chamberlain, but I hope this question has not been answered before. I think you implied, by paragraph 15 of your memorandum, that the special responsibility, appropriately numbered one, the prevention of grave menace to the peace or tranquility of the Governor's Province, was not adequate. I think you implied that, but might I ask two leading questions as to the reasons for your not thinking the machinery provided to implement that special responsibility is adequate. Is it that for all that is provided in the White Paper against such an emergency as you fear, the Governor could only have recourse to those powers when it is too late?—Yes.

4098. And the other is: Do you consider that it is essential for the Governor, even in normal times when there is no crisis and no emergency arising, to have machinery for keeping him in constant touch with the C.I.D. and the adminis-

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tration of all that concerns Law and Order? Is that the reason why you are making recommendations to go rather beyond the White Paper in Section 15?—Most certainly that is the case. I would draw the particular attention of the Committee to paragraph 14, Section (i) of the memorandum, in which we definitely state that we recommend that a particular obligation should be laid upon provincial governors, through their Instruments of Instructions, or in any other way which is appropriate, to maintain direct personal contact, almost daily contact, with the head of the Department concerned.

Major *Cadogan*.] I apologise for returning to that subject, but it concerns the White Paper so much and it is one of the most important subjects, that I thought I would like to get it clear.

Sir *John Wardlaw-Milne*.

4099. I want to ask Mr. James one question about second chambers. He has in his evidence to-day quite clearly said that he hoped it would be possible to get over the difficulty of the extra expense of the second chamber by a reduction of the numbers in the Lower Houses, and so on, or in both chambers; but I want to ask him, if it should happen that the Select Committee were not in favour of such a reduction as he referred to, is his Association still in favour, in spite of the extra cost, of second chambers?—Yes.

4100. Then with regard to the question that has just been asked. I only want to clear up one very small point. In the reference to the words "personal contact" in the fifth line you refer to the direct access of the Inspector-General of Police to the Governor-General and, correspondingly, in the Provinces, do you?—Yes.

4101. That is what you mean by "personal contact"?—Yes.

4102. Then one last question, and that is with regard to your evidence to-day as to the necessity for a certain European element in the Services. I would ask you whether the result of that evidence cannot be summed up in this way: that in reality your Association is in favour of the continuance of a certain minimum of Europeans in the All-India Services in India?—Yes.

4103. In effect, that is the result of your evidence, is it not?—Yes.

4104. You think the time has come when Parliament should say, although the progress of Indianisation should go on steadily, there should be a limit beyond which it should not go, so that the whole European element may not pass away altogether?—We claim that the proportions which were laid down in the Lee Commission Report should be definitely maintained; that that particular proportion should be maintained.

4105. Then one last question on the subject of Federation. Is it fair to say that it is the view of your Association that the scheme of Federation should be outlined at once, and the time of its coming into effect is a matter for the fulfilment of those conditions to which you have previously referred?—Yes; that is the position of the Association.

4106. You want the scheme outlined immediately?—We want it outlined because, only if the scheme is outlined in one Constitution Act, do we feel that the new reforms will have a really good chance of working in the Provinces, and will have the confidence of the Indian communities.

Miss *Pickford*.

4107. Just one question. Am I right in thinking that the proposals put forward in the Appendix by Mr. Gavin-Jones are for the United Provinces Branch of the Association only?—Yes.

4108. And that the general scheme there outlined does not have the support of the main Association?—That is so.

Sir *Reginald Craddock*.

4109. Could you tell me, Mr. James, what the total membership of the European Association is?—The figure I gave was between 7,000 and 8,000.

4110. I am sorry I mixed it up with another reply you gave. Is the United Provinces Association the only one which differs from the main Central Branch?—It is the only one which subscribes to the memorandum of Mr. Gavin-Jones.

4111. There are, of course, a pretty large number of Europeans who have not joined the Association?—There are a number, yes.

4112. I suppose you would know roughly, and be able to answer the question at all events, that there are a good many among them who would be disposed to agree with Mr. Gavin-Jones, just as a matter of general knowledge?—I think

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it would be fairer to say that there are a number of Europeans who are not members of the Association who take a more conservative view than that which is represented by the Memorandum.

Sir *Hubert Carr*.

4113. May I follow up that question of Sir Reginald Craddock's, my Lord Chairman? Are there many members of the Assembly representing our community who are not members of the European Association?—There are none, as far as I know.

4114. Are there many members of our community taking an active part in public life who are not members of the Association?—There are none, as far as I know.

Sir *Reginald Craddock*.

4115. Mr. James, I am sorry to refer once more to the police at all, but there is one point which, perhaps, you have not quite taken into consideration, that is, apart from the C.I.D., in the ordinary police are they constantly being requisitioned by the Special Branch to search houses, to effect arrests, and to deal with a crowd that may collect to resist arrests?—Yes.

4116. If those are under the Minister, there would be a double responsibility, would there not, in respect of those men?—Presumably, they would be seconded for that particular purpose.

4117. I am speaking about in the ordinary course of arrests, and so on. If you ask any C.I.D. officer, he will tell you he often has to refer to the ordinary police of the place, both to make arrests and to make house searches?—Yes.

4118. If the ordinary police are under a Minister entirely, as they would be, would you not get a sort of dual control and a lack of co-operation between the different sections of the police?—Not necessarily, because the direct control would be exercised by the Inspector-General.

4119. But you are probably aware that there is friction of that kind, and lack of co-operation, very often complained of between Railway Police and District Police?—I have heard of complaints, but not of a very serious nature.

4120. They are complaints that they did not follow up a particular clue and let it go, or did not give help when wanted, and so forth. Do you not think that that might be possible under the

system which you propose?—(Mr. Page.) May I answer that question, my Lord Chairman? What we had in view was this, that the personnel would be the same. You would still have your personnel who have been working throughout in the Province, but the Inspector-General would have the right, as a Federal Officer, to requisition such personnel as he required from time to time. We anticipate that, so long as the personnel remains the same, there will not be that friction.

4121. Of course, they are wanted very quickly, on the spur of the moment, sometimes?—Yes, and for that reason, there is always a certain number seconded for that particular purpose, but in emergencies they have to be increased, we understand.

4122. At the end of paragraph 10 you say: "It is noteworthy that in Bengal some sections of this organisation"—that was the Congress organisation—"are closely connected with the Terrorist movement, whose object is to obtain power through intimidation and force." Would you say it was putting it too strongly to say that the anarchists are the left-wing of the Civil disobedience people?—I would not like to go so far as that.

4123. Not quite?—What we can, definitely, say is that there is a prominent section of the Congress Party which, openly and actively, assists and approves of the method of the Terrorist organisation.

4124. Is it not also the fact that a great number of others in the Legislatures even, have shown sympathy with the anarchists in the matter of walking out of the Council when one of them is executed for murder?—We had a much more flagrant instance than that, when Colonel Simpson was shot at the end of 1930, November, 1930. He was shot by three men, one of whom was a man named Dinesh Gupta. Two of the men committed suicide; Dinesh Gupta recovered from his wounds, and was duly tried and executed. Shortly afterwards, the Corporation of Calcutta, which is supposed to consist of responsible persons, with a very large Congress majority, passed a Resolution, with the House standing in sign of respect: "That this Corporation records its grief at the execution of Dinesh Gupta, who died in pursuit of his ideal." Now that was not

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only passed as a Resolution, but was published, with a photograph of the man who was executed, in the Official Gazette of the Calcutta Corporation. That is the sort of approval which we have in mind.

4125. Then I will just refer to paragraph 12 in the Memorandum, in which you say you are strongly opposed to any form of amnesty which would release people who had been convicted of terrorism or retained under any special security Act, to mark the new Constitution or on some similar occasion?—We are absolutely and definitely against it. We know that that would simply put back the Police control, which they have already secured. We have tried it before, and it has failed. Of course, we do not mean that these men are to be retained for ever; they are now being released and subjected to some form of village domicile, but, as a general amnesty, regardless of who they may be, we are definitely against that.

4126. That is based on previous experience of amnesties, is it not?—It is.

Lord Rankeillour.

4127. Have you read the representation from the Indian Police Association to this Committee?—(Mr. James.) I have seen their representation in the Minutes of the Proceedings of this Committee.

4128. They suggest certain extra safeguards; some of them, I know, you agree with?—Yes.

4129. Are there any you do not agree with?—I have not made a very careful study of them, but I think I may say this, that we should be very anxious that all the safeguards which the police reasonably demand should be given to them, because the whole foundation of the new reforms will be the maintenance of the discipline and morale of the Police Forces.

4130. And you would agree with them, where they say that the chief danger is not so much in active action to diminish their authority, but neglect and small interference, which would gradually lower the standard?—That is a danger.

4131. Would you agree that there would be a danger in the interim period when these new arrangements first come in force. They lay stress on that, and suggest that there would be a special period of danger in the first elections. Would you agree with that?—I think, probably, the first elections on a widely extended franchise would throw a special burden

on the police, and it may be that there will be danger in some Provinces, but in the Provinces with which I am particularly associated I do not anticipate that there is anything in the nature of a danger in the first elections.

4132. They suggest that the control should remain as at present, I think, for the first year. Do you see any objection to that?—Do I understand they suggest that they should not be transferred to the Minister for the first year?

4133. I think that is so?—I think there would be obvious objections to that.

4134. There would be objections to that?—Yes.

4135. Whatever safeguards may be provided they must be in continuous existence, must they not? They must not be in reserve to be brought out for an emergency, but they must be there all the time?—Yes.

4136. That is especially the case in Bengal, is it not?—Yes.

4137. Do you think that the communal feeling in Bengal is likely to be accentuated if there is serious dissatisfaction with the number of seats allotted to any one community?—It is difficult to say, but, undoubtedly, a feeling of dissatisfaction as to representation in the Legislature on the part of any particular community would be a factor in the situation from the communal point of view.

4138. Making it worse. You would attach a good deal of importance to the maintenance of the powers and responsibility of the Inspector General, would you not?—Yes.

4139. And this would apply also to the Magistrates. They may have to act very suddenly on an emergency?—Yes.

4140. If they acted you would give them some protection, as long as they acted *bona fide*?—Yes.

4141. Obviously in a province where communal feeling was very active the Minister for Law and Order, if he belonged to one of the two great communities, might be in an extremely difficult position, might he not?—He might.

4142. That is to say, he might have to give orders which might involve drastic action, even firing on the members of his community?—That has happened before.

4143. It is a strain on him?—Yes. It is a strain which has been borne by

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Indian Ministers in the past, with very great credit to them.

4144. But so far they have not been responsible to a Legislature?—No.

4145. And it might be necessary for the Inspector General, or the Magistrates, to act very suddenly, and a delay might occur in obtaining the necessary orders, might it not?—It is possible.

4146. All I mean is that the powers must remain with the men on the spot, and if they act in good faith they must not be punished by any administrative action afterwards?—That is very important.

4147. You have referred in paragraph 53 to the High Courts. It is very necessary with the subordinate Courts that the standard of the Magistracy should be kept up, is it not, just as much as is the case with the police?—Yes.

4148. Under the proposals of the White Paper at present both the composition and standard of the Magistracy and the whole administration of the Police is allowed to the Legislative Assembly. You would see great objection to that, would you not?—(Mr. Page.) To the Legislative Assembly?

4149. I beg your pardon, to the Provincial Assembly?—Yes, we are opposed to that in the case of the High Courts. What we are asking is that all the High Courts should be Federal. We are very anxious that that should be done.

4150. That was not entirely my point. Would you allow Provincial Legislation which would affect the standard and qualifications of the Magistracy?—That is the difficulty which we feel about it. I take it you are referring to Item 30 in Schedule II.

4151. I think that is it, Item 30, Schedule II?—We have found very great difficulty in following the scope of that particular head. How far does it extend? Would it give the Provincial Legislature any right to alter the local jurisdiction of a Court?

4152. There are two matters; one refers to the constitution and organisation and that would affect the standard of the Magistracy, the composition of the Courts, would it not?—Yes.

4153. That is No. 28?—Yes.

4154. Then there is No. 30, the jurisdiction, powers and authority of all Courts?—That is the one we were anxious about.

4155. That is subject to concurrent Federal Legislation?—Yes.

4156. But that, in turn, would enable the powers of the High Court to be whittled away, and more powers to be given to the subordinate Courts?—If that is the meaning we are wholly opposed to it.

4157. You refer in paragraph 22 to existing pressure on the Central Government and in the Province of Madras. I think from your paragraph that means a pressure on appointments made by the Ministers?—(Mr. James.) That refers to all Provinces.

4158. You mentioned Madras and the Central Government?—We mentioned them because both in the centre and in Madras they have established a Public Services Commission, but I think it is generally fair to say that Ministers everywhere find themselves subjected to that kind of pressure.

4159. And you want to relieve them of it?—We want to relieve them of it.

4160. You refer to the importance of the new constitution being started on an adequate financial basis?—Yes.

4161. Is it really possible to anticipate what a Federal budget will be until you know what States will come in, and under what conditions?—It is certainly a very difficult question. Probably at the present stage it is almost impossible to make a very accurate estimate.

4162. And your general views on a point like that might possibly be revised when you saw the actual concrete proposals?—It is possible.

Lord Eustace Percy.

4163. May I ask what the number of States acceding has got to do with the Federal budget?—As far as I understand it it is not so much the number of States which accede; it is the particular relationship which the States bear in financial matters to the cost of the Federation.

Marquess of Salisbury.

4164. At the end of paragraph 2 you have the general phrase that your Association accepts the White Paper scheme subject to the acceptance of the modifications which it regards as essential?—Yes.

4165. Do I take that to mean that unless you got those modifications you would not accept the White Paper

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scheme?—That is the general view. There are certain modifications which we do regard as essential, such as what we have suggested in regard to the Police. If the Joint Select Committee were not able to accept those modifications then we should probably have to reconsider our position, but it is obviously impossible for me to give a categorical answer in regard to one particular thing.

4166. Please do not think I want you to give a categorical answer?—No.

4167. But that is the broad position. Your acceptance is subject to certain conditions?—Yes.

4168. And those conditions are set out in the course of your Memorandum?—Yes.

4169. I do not want to tie you to them at all, but in paragraph 10, for instance, there are several conditions put forward. I may ask you as regards one of them. "The Association has, in the past, declared its opinion that the transfer of responsibility in the provinces should be dependent upon," Then (c) "the presence of such co-operation in the provinces as would secure stable government." Would you look upon that as an essential condition?—Yes, and, as I think I explained earlier in the course of the proceedings, we used that paragraph as an illustrative background to our particular remarks in regard to Bengal and paragraph 10 (c) has particular reference to the succeeding paragraphs 11 and 12.

4170. Indeed there is a good deal about Bengal which you look upon really as essential in your Memorandum, do you not?—Yes.

4171. Next I should like to ask you with reference to what I think was put to you just now about the phrase "leaving Federation as a contingency in the future." I notice in paragraph 6 (a), to which I think your attention has been already called, it says: "The Association has always been of the opinion that the transfer of power to a responsible Federal Government should not take place until the new Provincial Governments are established and fully working," and Sir Tej Sapru pressed you to know how long a period that would be likely to be. I am not going to press you at all on anything of that kind, but do you not think it would be rather rash to draw up now a scheme of central responsible Government if the contingency will not arise

for, say, four or five years?—No; on the contrary I think that our general opinion now, after collaboration with our Indian colleagues at the Round Table Conferences, and our knowledge of political conditions in India, is that it will be exceedingly rash to inaugurate Provincial autonomy leaving Federation entirely in the air.

4172. You have used the word "outline." Most of us in this Parliament do not concern ourselves with outline but with concrete Bills, and all the provisions. When you say "outline" do you mean just a vague outline, or the concrete provisions which would be in an Act of Parliament?—No, we desire to see in one Act of Parliament for the constitution of India full provision made for provincial autonomy and responsible Government at the centre with Federation. We believe that once that is on the Statute Book, then the situation in India will be such as probably to make conditions favourable for the fulfilment of the pre-requisites to Federation, and our opinion is that although a Constitution of India Act may be passed within the next year, or two or three years, it will be probably some time before the actual conditions which will be laid down in the Act are, in fact, fulfilled, but unless Indian public opinion sees the Act on the Statute Book, we fear that there will be a continuance of the dissatisfaction, with all the political turmoil that that means, and to us as a European community principally engaged in trade and commerce, the great thing that we need is a stabilisation of political conditions.

4173. At any rate that is your opinion?—That is the opinion of the Association.

4174. As regards terrorism I am not going to repeat any questions which have already been put to you. I think it was your colleague who was asked most about that. Have you any details of instances of terrorism which you can lay before the Committee in the form of a Memorandum?—(Mr. Page.) I can give you a list of outrages.

4175. The numbers?—I can give you the nature of the crime, the section under which the proceedings were taken; the date of the occurrence, the district where it occurred, and the result. It is a lengthy matter. I should have to have it typed out for you. Taking from 1930 and putting together the successful and

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unsuccessful attempts, we might average them out at about one a week.

4176. Dating from when?—That is beginning in 1930; I have not got the previous years. Up to date in Bengal we have to our debit (I cannot say to our credit) 380 outrages attributed to this organisation resulting in 112 murders. That, of course, does not take into consideration the frequent occurrences of unsuccessful attempts.

4177. 112 murders?—112 murders.

4178. I think it would be very valuable to the Committee if we had a list of those things. After all, it is necessary for us to understand exactly what we are dealing with in Bengal?—Yes, no one outside Bengal really does appreciate it.

4179. No. I do not think in England we have the least conception of it?—No, I am absolutely certain that that is the case.

Marquess of Salisbury.] My Lord, I should hope that a return of that kind will be permitted.

Chairman.

4180. Certainly; if the facts are put in they may be duplicated and sent to the Committee?—I can have the details typed out. I may not be able to do it personally, because I have to leave on Thursday, but I will see that it is done.

Marquess of Salisbury.

4181. In paragraph 30 you call attention to the fact that there is no provision made for directing the Governor's attention to financial difficulties. Is that so? Have I misread it?—(Mr. James.) Yes. We use the argument in connection with the Second Chambers.

4182. You suggest that he ought to have some official provided for him in that capacity. Is that not so?—No; we do not suggest that.

4183. I beg your pardon?—This is part of our general argument in connection with the establishment of Second Chambers. We point out that there is a tendency on the part of local bodies elected on a wide franchise to be financially imprudent, and we rather fear that the new Legislatures may be encouraged in that direction, and therefore we suggest that the establishment of a Second House would help in the establishment of financial stability in a province, and we point out that there has been no provision made

in the White Paper which deals with that particular tendency, and this is our suggested remedy.

4184. You say there is no mention of the retention of the existing provisions of the Devolution Rule which provides for the appointment by the Governor of a Financial Advisor to a Provincial Ministry?—Yes.

4185. That is to say, you suggest that ought to be done?—No; but we point out that in transferring Finance to Ministers responsible to the Legislature, the provision of a Second House would be a stabilising factor in regard to matters of financial policy, because you are likely to get into that Second House men who are trained in administration, in finance and other matters, who would not be able to get into the Lower House.

4186. But you do not think that a Second Chamber would be a sort of equivalent to a financial advisor? I have never found it so here?—No; we think its presence will probably help to stabilise, to some extent, financial policy, and act as a brake upon the financial imprudence of the Lower House.

4187. Do you not think that in the exercise of his various responsibilities, the Governor, and even more the Governor-General, will want a sort of personal staff of his own?—We have made a representation, in connection with the advice available to Governors, in paragraph 60.

4188. What amounts to a personal staff he will require, will he not, to check everything?—We think he will probably require to have at hand the advice of a senior person from one of the Services, and, no doubt, the senior advisor, whoever he may be, whether he is the Private Secretary or the Secretary to the Cabinet, would have to keep his own staff for dealing with matters which fall within the Governor's special responsibility.

4189. You have formed no idea as to what that staff would have to amount to. Would it amount to a sort of interior Government?—No, not necessarily. It largely depends upon the details of the administration, and the particular machinery which is adopted, which may vary in different Provinces, of passing on files to the Governor, which do affect his special responsibility. It is a matter largely of detailed administration, and

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some Provinces are already taking steps to deal with it, I understand.

4190. It would all involve, of course, extra expense?—Yes—not a great deal.

4191. Then I wanted to ask you—I am very sorry that he is not here—a word about Mr. Gavin Jones's Memorandum. I quite understood that you answered one of my colleagues just now that you did not agree with his conclusions, but how far do you agree with the description which he gives, founded upon his experience of the working of the mind of the race with which he has to do?—There are certain passages of his descriptions with which one might agree, to some extent, but where we find ourselves in total disagreement, is with his conclusions.

4192. Well, I know you disagree with his conclusions, but I meant such a thing as this: The Cabinet system of government is totally unsuited to Indian conditions?—I think that is a very sweeping statement, which is not proved by the facts of the case. Even under a dyarchical system, with two separate wings, I know that in one Province particularly the Cabinet system has worked remarkably well.

4193. But you would, of course, stipulate for joint responsibility?—Certainly, yes.

4194. You could not have a Cabinet system as we understand it, except with joint responsibility?—No, there must be joint responsibility, and I gather that is generally understood and accepted by the Indian Parties.

4195. It is gradually becoming accepted, at any rate. You would not agree then with the general statements, even, of his experience in India, apart from his conclusions. You think that the training of the Indian mind does render them quite susceptible of democratic institutions?—My own experience is limited. I have been in three Legislatures in India, and all I can say is that the amount of assimilation of the Parliamentary system which has gone on in the minds of my Indian colleagues is very considerable. I think that the Proceedings in the Assembly, indeed of the Bengal Council when I was a member during its most stormy days, and of the Madras Council, would do great credit to any Parliamentary institution.

Mr. Isaac Foot.

4196. Mr. James, just now, in answer to a question, you very fairly stated that

the Ministers who had been responsible for Law and Order had done their work effectively, irrespective of their communal attachment?—Members, yes.

4197. Do you assume that they will be less inclined to do that work effectively when they are responsible to a Legislature and are themselves given responsibility for Law and Order?—Taking it by and large, I do not think they will be less inclined, but I do think that there might be difficulties inherent in the situation, more especially in Bengal.

4198. There will be, of course, the further consideration, that that Minister must stand or fall by the maintenance of Law and Order, must he not?—Yes.

4199. He will have that consideration?—Yes, undoubtedly.

4200. Only one further general question. You state, in the beginning of your Memorandum, that you are in favour generally, of the White Paper proposals?—Yes.

4201. Supposing that there is no reform embodying Provincial Autonomy and responsibility with safeguards, do you think that there would be a dangerous expression of opinion in India? Supposing the White Paper proposals were wiped out and there was no substantial advance, as is suggested by the White Paper proposals, have you formed any opinion as to what is likely to be the reaction in India?—Yes, I think that I can say this fairly, that the Association would view with grave misgivings the position which would arise in India if reasonable expectations of political advance were now disappointed by the rejection of the White Paper proposals. This would, in our mind, lead to serious consequences, and it would be almost impossible, in our view, to re-establish that co-operation between British-Indian leaders which has characterised the Round Table Conferences and has brought the whole question to its present stage. The view of the Association generally is that it is not practicable to go back behind the present Government of India Act. It is not possible to stand still, and the White Paper proposals, subject to such modifications as we are asking the Joint Committee to consider, do offer a reasonable and cautious advance towards the ideal of a Federated India. I am glad to make that perfectly clear.

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Marquess of *Lothian*.

4202. Mr. James, you have answered almost every conceivable question, but I think I have got one question which has not been asked. As far as I can understand, you will correct me if I am wrong, the existing number of European representatives in the Provinces and Central Legislature to-day, that is Europeans and commercial, is about 34. Under the proposals of the White Paper, that will be increased to about 76. Your proposals involve a further addition of about 26, making a total of 102, or 103 European members. I think you have said already that you will be able to find that number of people who can attend?—Yes.

4203. When I was in India, a good many of the commercial representatives said that they were anxious that their representatives should attend the Legislature in rather an expert position, and not as taking part in the main politics of the country. Would your Association feel an anxiety if the whole of those members, 102 altogether, had to form part of the Parties or groups of Parties which maintained a responsible majority; they are prepared to take part in that sense, and form part of the majorities which govern the Provinces?—Yes. I think that our general line will be that we shall do everything in our power to maintain the stability of the Executive, whichever Executive happens to be in power, and to contribute, as far as we can, to reasonable financial and other measures. I am not quite sure that I have got the full drift of your question.

4204. I have encountered, among a good many of the commercial representatives, the view that they might not want to form part of the majority which retained the responsible Ministry in office, but they wanted to be in a rather expert neutral position. What view would your Association form of that?—I think I am in a position to say that that is not the case. What happens in the Legislative Assembly, and, also, as far as I know, in all the Provincial Councils, is that the European members, whether they represent a special commercial constituency or a European constituency, work together. At present, they keep themselves, to some extent, independent, but increasing co-operation is taking place with Indian groups, and it

is my view that that policy will be continued in the new Legislatures.

Mr. *Butler*.] I had wished to elicit the general attitude of your Association towards the Reforms, but you have given such excellent answers to Lord Salisbury and Mr. Foot, that I do not propose to ask any further questions.

Sir *Austen Chamberlain*.

4205. I want to put a question upon a subject which, I think, has scarcely been touched. I find great difficulty in making any picture to my mind of direct representation to the Federal Legislature over such immense areas as the constituencies for that purpose would be. Has your Association any view as to the advantages, or disadvantages, of direct and indirect election to the Central Legislature, respectively?—In our evidence before the Simon Commission, and, of course, it must be remembered that at that time the Federal idea had not reached its present stage, we advocated very strongly that, in the Legislative Assembly, members should be returned by indirect election through Legislative Councils, local bodies, and so on, and that was our view until the time of the Round Table Conferences. I think I am right in saying that our representatives there found that there was a general feeling among Indian Delegates against indirect election, and, therefore, our Delegates refrained from pressing their point of view.

Sir *Akbar Hydari*.

4206. Excluding the Indian States?—Yes. I am speaking particularly of British-India.

Sir *Austen Chamberlain*.

4207. I understand that it was in deference to the feeling of your Indian colleagues rather than to any change of view on merits of your own, that you refrained from putting forward or pressing that suggestion at the Round Table Conference?—Yes; I think I can say categorically that if my Association were specifically asked to-day, they would certainly suggest some method of indirect election to the Lower House.

Sir *Hubert Carr*.

4208. My Lord Chairman, I asked permission to put a question or two at the

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finish, in case one or two points develop, but I think the Witnesses have been pretty thoroughly sifted. There is just one question I wish to put to the Assam representative, because Assam, I think, has generally felt that it has been rather neglected, and is very much the Cinderella Province, but, in answer to Mr. Butler this morning, with reference to the number of seats available for Europeans, a point was made that the communal award rather hedged any suggestions of enlargement of the representation given. In my recollection the European Association accepted the Communal Award, and I wish to ask whether you have any proposals by which you could, without upsetting that Award in any way, enlarge your representation?—(Mr. Roffey.) My Lord Chairman, the original Prime Minister's Award gave to the Depressed Classes, with a population of 650,000, four seats, and to the Backward Areas, with a population of 580,000, nine seats, which appears to us to be not understandable; we are not able to understand the reason. Under the Poona Pact the Depressed Classes representation has now been increased to seven; but we would suggest that the representation of nine with a population of 58,000 for the Backward Areas is more than adequate; we would also suggest that the seats we are now asking for should be allotted to us from them.

4209. Are you sure of your figure of 58,000?—For the Backward Areas, yes.

4210. Only one other question, and that is: What are the particular circumstances in Assam which make it desirable to submit a special representation to the Committee with regard to Finance? Will Sir William McKercher be able to throw any light upon that?—(Mr. Hockenhull.) Sir William has asked me to reply to that question. The conditions in Assam are different from those of any other Province, and they feel that they have been

very much short of a square deal. They started as a Backward Province, and if by that we understand the lack of those amenities which the other Provinces enjoy, we are still a Backward Province. That was our inheritance at the time of the Montagu-Chelmsford Reforms. They are not our fault, but we are still carrying on under those disabilities. We have not been represented on this Select Committee, nor on the Third Round Table Conference. The feeling obtains in Assam that we are rather taken for granted, and that is the more difficult to understand, because every examination of the problem in Assam has laid down that it has special difficulties and needs particular treatment. The next point is that we are a Deficit Province. On the past year we had a deficit of 16 lakhs; it is estimated that on the current year we shall be in deficit of 30 lakhs; and the Federal Finance Committee estimates that 65 lakhs will be the situation at the beginning of the proposed new reforms. The paradox of the whole situation is that we are well supplied with mineral wealth; we have oil and coal; we have magnificent forests and fisheries; we have millions of acres of unexploited rice land, and still we are in this undeveloped state. The point of my argument is that, in spite of what we are told has been the very successful working of the new reforms, we are in great need of some scheme of development. The proposals of the White Paper are that for the first few years we should be assisted to the extent of balancing our budget. We hold that any balancing of our budget will be quite inadequate to provide for a shortage of those amenities of which Assam really stands in very great need.

4211. All the points which you wish to make with regard to Finance are contained in this memorandum?—Yes.

(The Witnesses are directed to withdraw.)

Ordered, That the Committee be adjourned to to-morrow,
at half-past Ten o'clock.

DIE MERCURII, 5° JULII, 1933

Present:

Lord Archbishop of Canterbury.
 Lord Chancellor.
 Marquess of Salisbury.
 Marquess of Linlithgow.
 Marquess of Reading.
 Earl of Derby.
 Viscount Burnham.
 Lord Ker (Marquess of Lothian).
 Lord Hardinge of Penshurst.
 Lord Irwin.
 Lord Snell.
 Lord Rankeillour.
 Lord Hutchison of Montrose.

Major Attlee.
 Mr. Butler.
 Major Cadogan.
 Sir Austen Chamberlain.
 Mr. Cocks.
 Sir Reginald Craddock.
 Mr. Davidson.
 Mr. Isaac Foot.
 Mr. Morgan Jones.
 Sir Joseph Nall.
 Lord Eustace Percy.
 Miss Pickford.
 Sir John Wardlaw-Milne.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Dahadur Sir Krishnama Chari.
 Nawab Sir Liaquat Hayat-Khan.
 Sir Akbar Hydari.
 Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
 Sir P. Pattani.
 Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

Dr. B. R. Ambedkar.
 Sir Hubert Carr.
 Mr. A. H. Ghuznavi.
 Lt.-Col. Sir H. Gidney.
 Sir Hari Singh Gour.
 Mr. Rangaswami Iyenger.
 Mr. M. R. Jayaker.
 Begum Shah Nawaz.
 Sir A. P. Patro.

Sir Abdur Rahim.
 Sir Tej Bahadur Sapru.
 Sir Phiroze Sethna.
 Dr. Shafa' At Ahmad Khan.
 Sardar Buta Singh.
 Sir N. N. Sircar.
 Sir Purshotamdas Thakurdas.
 Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Sir JOHN PERRONET THOMPSON, K.C.S.I., K.C.I.E., Sir ALFRED WATSON, and Mr. EDWARD VILLIERS are called in, and examined as follows.

Chairman.

4212. Sir John Thompson, you were a Member of the Indian Civil Service from 1897 till 1932?—(Sir John Thompson.) Yes.

4213. You were Revenue Secretary to the Punjab Government from 1913-1916; Chief Secretary to the Punjab Government from 1916 to 1921; a Member of the Southborough Reforms Committee, 1918-1919; Political Secretary to the Government of India from 1922 to 1927, and Chief Commissioner of Delhi from 1928 to 1932?—Yes.

4214. What is your position in the organisation known as the Union of

Britain and India?—I am Chairman of the Executive.

4215. Sir Alfred Watson, you are Vice-Chairman of the Union of Britain and India?—(Sir Alfred Watson.) Yes.

4215a. I think you were Editor and Chairman of Directors of the newspaper, the "Statesman," from 1925 until March 31st, 1933?—Yes.

4216. Mr. Edward Villiers, you went to India in 1908, and, amongst other experiences in that country, you were a Member of the Bengal Legislative Council?—(Mr. Villiers.) Yes.

4217. From 1931 to 1933 you were President of the European Association in India, and you are Vice-Chairman of the Union of Britain and India?—Yes.

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4218. Do you desire that we should address our questions, in the main, to you, Sir John?—(Sir *John Thompson*.) Yes.

4219. You have handed in a Memorandum, which is marked 31, on behalf of the Union of Britain and India?—Yes; it is as follows:

MEMORANDUM 31. BY THE UNION OF BRITAIN AND INDIA.

The Union of Britain and India, which we represent, consists of a President and Council, an Executive and a number of supporters. Time has not permitted the discussion and preparation of a detailed memorandum. We have, therefore, for the most part confined ourselves in the memorandum we submit, to certain of the main features of the White Paper scheme. The memorandum has been circulated in draft to the President and all the members of Council who are within reach, and has received the approval of eighteen of them. The other one is on his way to India.

In these circumstances, it will be understood that while the memorandum, which is in its nature summary, has the support of the U.B.I., the detailed explanations which may be given in examination by the representatives who have been summoned to give evidence, are not necessarily more than expressions of their private opinions.

The Union gives general support to the White Paper scheme in the firm belief that it is possible to frame a Constitution on the triple basis of

- (a) Full provincial responsibility,
- (b) Federation, and
- (c) Responsibility for all but the Reserved Departments at the Centre;

and to provide safeguards which will make that Constitution workable.

Our supporters all adhere to the general view stated above. They believe that the safeguards proposed are generally suitable, though naturally they are not all in agreement as to every detail of the scheme, and some of our adherents would like to see further safeguards introduced. This position has been kept before our minds in framing our memorandum. The list of our supporters speaks for itself in regard to the weight of opinion behind us.

2. The Joint Committee are no doubt already in possession of most of the relevant information in regard to the pre-

paration for advance that India has received. We would point to—

- (a) Education, and spread of ideas;
- (b) Indianization of the services;
- (c) Development of political institutions;
- (d) The association of Indian with British representatives on occasions of Imperial and International importance; and
- (e) The Chamber of Princes.

3. We feel that in view of

- (a) The recommendations of the Statutory Commission;
- (b) The happenings at the Round Table Conference;
- (c) The votes of Parliament in December, 1931;
- (d) The preparation of the present proposals on the lines then approved by Parliament; and
- (e) The expectations which have thus been aroused in India,

it is not practical politics to make any considerable departure from the broad lines of the White Paper scheme.

4. We are of opinion further that in view of

- (a) The strength of the demand for advance in India;
- (b) The need for enlisting as much support as possible in India for the reforms;
- (c) The grave risks involved in an over-cautious policy; and
- (d) The impossibility of holding Indian aspirations in check for long, even by armed force,

it is the best policy to go up to the limits contemplated by the White Paper, with which Indian thought has become familiarized.

5. *Federation.*

(a) We are strongly in favour of anything which will tend to bring the whole of India into a federal unity.

(b) We are in agreement with the White Paper as regards the financial pre-requisites of federation.

(c) We realize the impossibility of persuading the States at first to

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transfer to the Federal Government the same powers as it will exercise in the provinces, but it is important that as far as possible they should transfer uniform blocks of powers, and that they should not be admitted to the Federation unless the powers they are prepared to transfer, are adequate. Presumably this is covered by the last sentence of paragraph 8 of the Introduction. Any inequality between the provinces and the States in respect of federal powers or federal burdens may cause jealousy and friction.

6. *Responsibility at the Centre.*

We are in favour of putting responsible Ministers in charge of all departments of the Central Government, except Defence, Foreign Affairs and Ecclesiastical Affairs, because

- (a) Responsibility should bring out the best qualities of politicians;
- (b) Federation is not practicable without central responsibility;
- (c) The present position is not satisfactory with an irresponsible legislature and an irremovable executive;
- (d) Opportunities of anti-British tactics will be more restricted than at present;
- (e) Feeling should improve in consequence, with benefit to trade.

7. *Full responsibility in the Provinces.*

We are in favour of the White Paper scheme in this respect, mainly for the reasons given by the Statutory Commission. We would add—

- (a) India has known little peace during the past 20 years, and the most serious of the disturbances have been of the nature of risings directed against the foreign power that rules India. With Indian Ministers, responsible to the Indian legislatures, in charge of "law and order" the anti-foreign motive should be to some extent eliminated;
- (b) The Indian cabinets of the future, responsible to the legislatures, will be able to take up questions of social reform which we deliberately refrain from touching;
- (c) In certain circumstances an Indian Minister might be in a much stronger position for dealing with disturbances, etc., than a British Member of Council and a British Governor would be.

8. *The Safeguards generally.*

We are of opinion that the safeguards can be enforced. Some of the methods proposed sound drastic to English ears, but in India people are accustomed to them. We hope that many of these safeguards will not require to be brought into operation, but their presence is necessary to reassure many communities at the beginning of the new conditions. Their existence in the Act or in the Instrument of Instructions is desirable in Indian interests as well as in British.

In our view the commercial safeguards are necessary and must be retained, but we look for a further development in the close working together of British and Indian commercial interests, which will reduce the likelihood of the safeguards being challenged.

As regards Finance, the White Paper lays stress on the importance of there being enough money to go round before the proposals come into operation. In the absence of up-to-date figures we offer no criticisms.

9. We are of opinion that a Supreme Court would be an unnecessary expense at present, and that it should not be set up until there is a much stronger and more general demand for it than there is at present.

10. We refrain from touching on service questions, as we have not had sufficient time to consult our Council in regard to details, and the Joint Committee has already heard the views of the Service Associations. The general system of administration is one which we have inherited and developed, and we believe it to be well suited to the needs of the country.

11. The proposals in regard to the Statutory Railway Board have our support.

J. P. THOMPSON.

ALFRED WATSON.

EDWARD VILLIERS.

4220. Is there anything that you would like to say in amplification of that Memorandum at this stage?—I do not think so, Sir. You will see at the end of the first paragraph we say that some of our adherents would like to see further safeguards introduced. That was really in part due to the fact that we have not

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been able to hold a meeting of our Council to discuss this Memorandum; it has been merely circulated to them at very short notice, and, consequently, we have not been able to specify in this a certain number of safeguards and other points which might have been brought in, if we had been able to discuss them and arrive at agreement on them, but I can deal with those as the examination proceeds, if necessary.

4221. When was the organisation formed?—Towards the end of May.

Archbishop of *Canterbury*.

4222. I should like to ask one or two questions, Sir John. You have told us that your organisation is a comparatively recent one. May I ask whether the support of it has been very spontaneous, or has it been the result of any canvassing for support?—We have written to a certain number of people, but the majority of our supporters, I think, are people who have signified their support without actually being written to.

4223. In the second paragraph you speak of the spread of political ideas. Would you say there has been a very great difference in the last thirteen years in the spread of political knowledge and interest throughout the different classes in India?—I think it has been enormous.

4224. Would you say that it extended even to what are called the masses, more than in previous times?—I think one of the great characteristics of the past fifteen years has been the great mass movements in India, and the people have been stirred in a way that never happened before, so far as I am aware.

4225. Then would you say that it would be difficult for those who have not been actively engaged in work in India during the last thirteen years, to appreciate the change?—Certainly.

4226. You speak in sub-paragraph (c) of paragraph 3 of the expectations which have been aroused in India, and you specify what these are. I think you would imply that these expectations have been so great that there would be some very real risk now in disappointing them?—Exactly, that is our meaning.

4227. You speak in paragraph 4 (d) of the impossibility of holding Indian aspirations in check for long, even by armed force. Do you wish to convey to us that you think, supposing there was not some considerable advance, there would be some real danger of the need

of repression?—That is our view; but what we hold is that you can do very little by armed force in a matter of this sort. You cannot control ideas by armed force.

4228. Then would you say there was some danger of undesirable outbreaks, even if the full scheme contemplated by the White Paper was delayed until the Provinces had had a long time of experience of their greater autonomy?—I think so. I think, undoubtedly, that if the reforms proposed in the Federal Centre are unnecessarily delayed, there will be trouble; but I think that people will understand what the difficulties about Federation are.

4229. Then in paragraph 6 you give your view that responsibility should bring out the best qualities of politicians. Do you wish to convey to us that you think that responsibility even for Law and Order might perhaps change the attitude of some Indian politicians towards the necessary safeguarding of Law and Order?—I think there is no question about it.

4230. And would you say, in the alternative, that supposing Law and Order was not transferred to responsible Ministers, there would be great danger of their taking a suspicious and critical attitude towards the enforcement of Law and Order?—I think the whole of the adverse criticism, which is now spread over several Departments, would be concentrated on one.

4231. You say in (c) in that same paragraph that the present position with regard to the Centre is not satisfactory with an irresponsible Legislature and an irremovable Executive. Does that indicate that you think the Central Government now is not very strong?—I do not see how the Central Government, as at present constituted, can be really strong, because you always have a tremendously strong opposition which in many cases can vote down the Government, and it produces a most unsatisfactory situation, which sometimes may lead to undesirable concessions if the Government know they are going to be defeated in a measure which they themselves support.

4232. Then would you say that whatever weakness the Central Government is in now, it would probably be increased, if it had to deal with Provinces which had a fuller measure of responsibility in the Government?—Do you mean to say

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the present Government, if no change were made?

4233. Yes?—Of course, there must be a change made in the Central Government in one way, that is to say, that Provincial Autonomy carries with it as a necessary corollary certain changes in the Central Government, but if you grant Provincial Autonomy, the control of the Provinces will hardly be exercised by the Central Government so far as Provincial subjects are concerned.

4234. Therefore, you would not view with favour the proposal to keep the Central Government as it is while the Provinces are developing their Autonomy?—I am not in favour of that proposal; none of us is in favour of it.

4235. May I ask whether you think that the proposals of the White Paper, even though they give fuller responsibility to the Ministers at the Centre, would be stronger than the present Central Government, in view of the strength given by that measure of responsibility combined with the personal powers reserved to the Governor-General?—I think so.

4236. It would be a stronger Central Government?—A stronger Central Government.

4237. Then would you look at subparagraph (b) of paragraph 7, where you say: "The Indian Cabinets of the future, responsible to the Legislatures, would be able to take up questions of social reform which we deliberately refrain from touching." Does "we" there mean your Union?—No, I beg your pardon.

4238. Does it mean the existing administration?—It means the existing administration.

4239. What are the reasons that in your judgment have made it difficult for the administration as it is to undertake these matters of social reform?—Very largely because the social system in India is so closely bound up with religion, and the British Government has always refrained from anything which might be interpreted as an interference with religion.

4240. Then do you convey to us that, in your opinion, if Indian Ministers possibly, were entrusted with fuller responsibility and diverted, perhaps, from political agitation, they would be free to devote themselves to matters of social reform?—Yes.

4241. Then may I ask just one other question, though it may be elicited by later questions, into which I do not go, about further safeguards. The proposal has been made to us that the whole of the work of the C.I.D. should be regarded as an All-India subject and reserved for the Governor-General. Are you able to give your opinion about such a proposal?—I do not think any of us would go so far as that. I think it is important to distinguish between what I may call the Terrorist movement, and the other work of the C.I.D. In Bengal I believe there is a special branch for dealing with Terrorist Associations, and we are, I think, all agreed that in certain circumstances conditions may be such that it would be necessary and advisable, and welcome also to the Ministers as well as to everybody else, that the Governor should take over the special charge of that particular branch of the C.I.D. work. But there are some things in the C.I.D. which we fear—at least, I speak for myself—Sir Alfred Watson and Mr. Villiers will also, I think, like to be asked questions upon that subject, it is quite impossible to reserve the whole of the work of the C.I.D., because so much of it is intimately connected with the movements in the Province with regard to which the Minister might have to defend the position of the Government in the Council.

Marquess of Salisbury.

4242. Why should he object to defend the position of the Government?—I see no reason at all, but if he had not got the C.I.D. in his charge, he could not do it; he would not be familiar with the facts.

4243. You mean, he would not have the C.I.D. material?—No.

4244. Why should he not have the C.I.D. material?—I am saying that he should, except in regard to the Terrorist branch.

Marquess of Salisbury.] I beg your pardon.

Archbishop of Canterbury.] I think that is all I want to ask at present.

Marquess of Reading.

4245. Sir John, your experience has been over the greater part of Northern India, particularly in the Punjab, and then later with the Central Government

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where you were an important officer of the Government of India?—Yes.

4246. I just want to ask one or two questions only, particularly in regard to what has just been stated. I think Sir Alfred Watson and Mr. Villiers have been resident in Calcutta, and, of course, they are very familiar, unfortunately too familiar, with what has happened with the Terrorist movement. I think you have both suffered from attacks, from being shot at. I just want to draw your attention to the position that the Archbishop was putting to Sir John about the C.I.D.; I want to clear that just a little. Will you tell me whether I correctly appreciated what you were saying, Sir John, which is that you would not approve of the complete segregation of the C.I.D. organisation as a reservation to the Viceroy, but that there may be a difference, of course, in regard to the C.I.D. in respect of the Terrorist movement in Bengal?—Yes.

4247. That is as I understood you?—Yes; and, of course, the same position might arise in other Provinces.

4248. That is, wherever you have anything like the Terrorist movement in Bengal, if it spread to other Provinces, you would have to use, according to your view, such special powers as would be reserved for dealing with the Terrorist movement?—Yes.

4249. But I apprehend you to say that, apart from that which is regarded as something special by you, there would be a considerable difficulty in separating the C.I.D. from the ordinary administration of the Police under the control of a Minister?—Exactly; that is the view which we all take.

4250. It would be difficult, for example, when he has to deal with one question which may not have anything to do with the Terrorist organisation and has to defend himself in the Legislature, unless he has at least knowledge of what is in the C.I.D. Reports?—Exactly.

4251. Of course, you are not suggesting by that that this knowledge should be spread amongst more than may be absolutely essential, but your point is, as I gather it, that it must go to the Minister in that respect?—Exactly.

4252. In regard to the Terrorist matters I gather you draw quite a definite distinction, and I do not want to go into the details; we have had them discussed?—Yes.

4253. I just want to ask you one or two questions on other matters, in regard, for example, to the safeguards. Generally speaking, assuming, of course, that they are put into the Statute or into Rules made under Statute, are you in your organisation satisfied generally that the safeguards introduced are adequate for the purpose intended?—Well, we feel sure that in certain directions—I cannot speak for the whole organisation, but some of the members of the organisation do feel that in certain respects the safeguards might be widened. For instance, one particular point which has been raised by a distinguished supporter of ours, is the question of the Governor's special responsibility for the financial stability of the Province; for instance, in the Punjab, it is pointed out that what we call the water rates and the occupier rates—that is the Irrigation rates, are altered by notification which need never come before the Local Council at all, and which might be done by a Minister by a stroke of the pen. That might mean a matter of a loss of some crores or an addition of some crores to the Provincial resources, and it is felt by some of our supporters that that would be a thing where the Governor should have some powers in the background. Some other supporters have suggested safeguards of a different kind. For instance, one of our supporters has suggested that there might be a definite provision in the Act which would secure that the Viceroys and Governors of the future should always be British, or that the recommendations should be made to His Majesty by the British Ministers and not by the Indian Ministers. These are just things which have been suggested to us.

4254. But what I am seeking to know, and it is interesting to know, is, are those individual expressions of opinion or are they intended to be the opinion of your organisation?—No, they are not the opinion of our organisation definitely, but they are, some of them, suggestions which have been supported by more than one, and some of them are suggestions which, perhaps, some of us might be prepared to support, but we cannot say that the Union of Britain and India gives it support to them as a body.

4255. I do not want to go into it in detail (other Members may if they choose) but if I understand correctly what your document has said, and what

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you are telling me now, it is that substantially you are in agreement with the safeguards which are proposed under the White Paper. That I follow is your view, substantially?—Well, substantially, yes; that is to say, that we are generally in favour of the scheme; but it is a little difficult to say that we are substantially in favour of the safeguards without perhaps implying a little more than we mean to say.

4256. That is what I want to know. Will you tell me what is your reservation?—We have given one instance of our general reservation on which we are agreed; the question of the C.I.D. and the special branch.

4257. I wanted to avoid, as I thought I could, by reference to your paper, going through in detail the various safeguards which are proposed to which you would introduce some exception or qualification. I was putting to you the general question which I thought was justified (tell me whether it is right or wrong) from what was said in your paper, and from what you have said to-day both to the Archbishop and to me, without of course limiting you to the detail of each particular safeguard. What I am suggesting to you is that, generally speaking, allowing for certain limitations, you are in favour of the safeguards which are proposed under the White Paper?—Put in that way undoubtedly the answer is Yes.

4258. I do not want to go into the details of it. I quite understand, of course, that there are divisions of opinion as to matters of detail, and in some respects, as you have told us, there are individual suggestions that the safeguards might be extended?—Yes.

4259. I follow. I do not want to go further into that. One further point I wanted was this: You told His Grace the Archbishop that undoubtedly during the last 13 years there had been great advance in India. You said that?—Yes.

4260. I wanted to ask you a question for my own satisfaction. Since 1926 to the present date (that is, I am talking of the time between when I left India and the present date) would you tell me, has that advance increased; has the progress been more marked than than it was during the years up to 1926?—I think so. Of course it is very difficult to say, but with regard to those mass movements, of which I spoke, they undoubtedly have developed even more than

they had prior to 1926. Take, for instance, the Red Shirt Movement on the frontier, and the Ahrar Movement in the Punjab, and the No-rent campaign in the United Provinces.

4261. Generally, is it right to say that in the last few years the movement among women, and particularly among educated women, has increased very notably?—Undoubtedly.

Marquess of Lothian.

4262. Sir John Thompson, would you turn to paragraph 4 of your Paper. I just want to ask you to elaborate a little what you say under sub-paragraphs (c) and (d). You say: There are "grave risks involved in an over-cautious policy; and (d) The impossibility of holding Indian aspirations in check for long, even by armed force." Supposing Parliament put forward proposals which, in effect, were rejected not only by the left wing of Indian political aspirations but by the great mass of moderate politicians, what steps would be necessary, in addition to the maintenance of the Army, to maintain law and order over any considerable period of time. Would the existing mechanism be adequate?—It would be entirely inadequate.

4263. What further additional steps, do you think, would be necessary in the event of what you might call general non-co-operation by all classes?—Some power of influencing and controlling ideas.

4264. Would you go so far as to say that if Government were to be maintained it would be necessary to adopt methods not unlike those which have been practised in Europe by the control of Universities and newspapers, and so on?—Yes, I think so.

4265. Would it be necessary to form an active political party which could deal with political opposition?—If that could be done, but I do not see that it is possible.

4266. All these things in your view, I think, would be extremely expensive?—Yes.

4267. I mean the policy of going slow on reforms does not necessarily mean an economical policy?—No, certainly not.

4268. It might even involve a considerable charge on the British budget?—Yes, it might.

Mr. Isaac Foot.

4269. In your Memorandum, paragraph 4 (b), you speak of the need for

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enlisting as much support as possible in India for the reforms?—Yes.

4270. Do I understand, Sir John, that, whatever may be decided by the British Parliament, everything depends upon the measure of co-operation we may get from the political leaders in India?—Quite so.

4271. If that co-operation is not forthcoming can any reform be worked?—The whole scheme of reforms is a scheme to be worked by the people of the country, very largely, and if the people will not work it the scheme will not work.

4272. Would the co-operation that we have had so far, making possible the Round Table Conferences that we have had, do you think, survive a rejection of the White Paper, or some scheme of reform as embodied in the White Paper?—No.

4273. What would be the result of the loss of that co-operation?—I think the result would be a storm of agitation such as we have never had to face before.

4274. Would it be going too far to say from your answers to Lord Lothian that, in your opinion, there is no alternative in the future of India between a larger measure of self-government and Military autocracy?—Yes, I think that is true, but I do not think that Military autocracy would ever work in India under modern conditions.

Marquess of Salisbury.

4275. Sir John Thompson, I was rude enough to interrupt just now about terrorism. I wanted to get that quite clear. You draw a great distinction between that part of the work of the police and indeed the ordinary work of the C.I.D. and the work in connection with terrorism?—I do.

4276. Why do you draw that distinction?—I draw that distinction very largely from the very much greater necessity of secrecy in the case of terrorism. It is very largely the reactions on the informer class, and the danger is that if the people who are used as informers by the C.I.D. get it into their heads that their names may become known the whole organisation will crash.

4277. And you think that is what might easily happen?—I should very much like you to hear what Mr. Villiers and Sir Alfred Watson have to say on that, because they have lived in the conditions in Bengal which I have not,

and they are able to speak with a local knowledge which I do not possess.

4278. By all means. You heard the question I put?—(Sir Alfred Watson.) Yes.

4279. You are in favour of drawing this distinction between the C.I.D. in so far as they look after terrorism and the ordinary police and C.I.D. work?—Yes. You understand that in Bengal the police are divided really into three branches: the ordinary police, the C.I.D. and the special branch of the C.I.D. which is dealing with terrorism. That special branch depends almost entirely for the information it gets upon informers. Those informers have to live amongst the people in the bazaars and the *bhasties*. They fear that if their documents were to go to a Minister in an office where in India there is no secrecy, their lives would not be worth 24 hours' purchase. The consequence of that is that, if you put the special branch dealing with terrorism in the hands of a Minister, it would dissolve within a week. The whole confidence that makes its existence possible would have disappeared. Therefore we would suggest that, while the C.I.D. is as necessary to the working of the ordinary police as Scotland Yard is to the working of the Metropolitan Force, the special branch should be the responsibility of the Governor; documents dealing with the work of the special branch should go directly to the Governor and not to the Minister, and that the separation of the necessary documents should be the work of the Inspector-General of Police, so that he could assure his men that when they were engaged in dealing with terrorist activities there was no possibility of the leakage of names or of the sources of information.

4280. In point of fact, the people of India would not in this respect (I do not want to press you beyond the point) trust the Minister altogether?—I am not in a position to respond for the people of India.

4281. You know much more about the people of India than I do, at any rate?—But I am quite sure that the people who provide the special sources of information upon which the police depend would not trust the Minister.

4282. They would trust an Englishman?—They would trust an Inspector-General of Police passing forward his information to the Governor. May I add this, that the knowledge that these documents were

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going to a Minister—documents dealing with terrorist activities—would make that Minister's life worth a very short purchase.

4283. Exactly. Probably the recent history of the Calcutta Corporation has rather led to the same conclusion, has it not—all the sympathy which the Calcutta Corporation has exhibited for some of these extreme terrorist activities?—Yes. If you press me on that point, I would say this, that the Calcutta Corporation, which has a large majority of Congressmen upon it, has shown a general sympathy with terrorism. I do not believe that in India generally there is any close connection between terrorism and the Congress, but in Bengal it would be extremely difficult to draw a line between the two organisations.

4284. We need not go further than to say that so far as the police are concerned, there is a very marked limitation upon the degree to which you can hand over police matters to the responsible Ministers, namely, in respect of these terrorist organisations?—In respect of the terrorist organisations and possibly in regard to outside subversive influences, which may be active in India and which will require the attentions of a specially organised branch of the police.

4285. There would be a very marked deterioration in the efficiency of that special part of the police if it were handed over to a responsible Minister?—Not deterioration. I think it would dissolve.

4286. That is an extreme form of deterioration?—Yes.

4287. Would you not say that there might be deterioration in other Departments besides the Police Department if they were handed over to the responsible Ministers—Departments such as Forestry, Irrigation, and so on? Would you not say there would be a certain degree of deterioration in consequence?—I should look for some deterioration. It would be a great reproach to what we regard as the finest Civil Service in the world if other men could come in and do their jobs just as efficiently without previous experience.

4288. I should think everybody in the room would agree with you. As regards safeguards, Sir John, I do not want to repeat what has been said, but I gather there are a certain number of safeguards

which some members of your body would like to have?—(Sir John Thompson.) Yes.

4289. I do not want to go into them again, because that would be only repetition, but you are satisfied, on the whole, with the safeguards as they stand. Have you considered, apart from the right of people to govern themselves and great doctrines of that kind, the actual working of the White Paper, supposing it were brought into force immediately?—You mean the safeguards?

4290. Generally speaking, I am going to touch on the safeguards presently. Have you considered that?—Yes.

4291. My friend Lord Lothian asked just now about the expense. Have you considered what expense would be involved if the White Paper were brought into operation?—We have naturally considered the additional expense of the elections and the enlarged Legislatures and the enlarged Councils, the additions to the number of Ministers and so on, but we have not attempted to frame any estimate.

4292. You are satisfied (we have had a great deal of evidence about this) that there would be a great deal of extra expenditure?—I think there would be a very considerable amount of extra expenditure, but I think, at the same time, some of it is possibly exaggerated.

4293. Almost certainly; everything is exaggerated. But in your opinion, there would be extra expenditure?—Yes.

4294. Do you think that India at this moment could bear extra taxation?—It is a very difficult question to answer off-hand. I think that the important thing is to go ahead with the scheme and then to decide, late on—

4295. —whether you can pay for it?—Yes.

4296. Generally speaking, prudent people go the other way to work: before they start on something they consider whether they can pay for it?—Yes. Mr. Villiers said he would like to answer that question, if he might.

4297. By all means?—(Mr. Villiers.) With regard to the question of finance generally, I think we look upon it in this way: India, in our opinion, has shown an unmistakeable desire for a large measure of a broad form of self-government. Inherent in that form of self-government is a definite addition to the cost. We feel that, that being the case, and the demand being as we believe very

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widespread and very genuine, we ought to go forward with the scheme, presented it to them, and say: "Here is what you asked for. Now it is up to you to say, having known beforehand what it is going to cost, where the money is coming from."

4298. You would throw the responsibility on them. You would say: "Here is your reform. It is going to be expensive; you must find the money"?—Yes, so far, certainly, as the Provinces are concerned, I would say: "Obviously, this is going to involve a certain amount of expenditure. Now, it is up to you to say where you will find the money." We cannot consider putting it into operation until there is a reasonable probability of success, because we consider that one of the great reasons for the failure of the Montagu-Chelmsford Reforms was lack of finance in the transferred Departments. That being the case, it is, we think, unthinkable that the scheme should be launched until there is a sufficiency of finance to make it a reasonable proposition. Therefore, present the Provinces with the scheme and say, "Here is what you have asked for; how do you propose to find the money to pay for it and to go on with the scheme?"

4299. At any rate, you would leave it to them to find the way out. You would give them the difficulty and say: "You find the way out"?—I would certainly leave it to them to suggest means.

4300. But they would be in a position to carry them out, if the Reforms were passed?—The Reforms would not be put into execution until the money was there.

4301. You would have the whole thing hung up?—I would have the whole thing drawn up and ready to put into execution when certain prerequisites had been fulfilled. One of those prerequisites is a sufficiency of finance.

4302. You think it would be safe to do that?—I think so; I think it is reasonable, too.

4303. That is a matter of opinion, of course?—Quite.

4304. I think it was Sir John Thompson who spoke about measures of social reform?—(Sir John Thompson.) Yes.

4305. He is, of course, aware, as all of us are, that there is nothing so expensive as measures of social reform. That is so, is it not?—(Mr. Villiers.) Certainly.

4306. Do you think that the finances of India would be in a position to carry out extensive measures of social reform now?—Not straight off, certainly not. The world is in such a condition that no extensive measures of social reform can be implemented to the extent that many would wish. That is universal throughout the whole world and not singular to India.

4307. But we had evidence before us yesterday that there would be a temptation, which one could hardly expect them to resist, on the part of these new organisations to embark upon social reform, in spite of the expense? Would you agree with that?—As regards the pressure, I think it would be very great.

4308. So that you would have the situation of having not much money and a great deal of social reform?—I would have this situation, as I said earlier this morning, that I would present my scheme absolutely completed. I would refrain from implementing it until such time as there was a sufficiency of money. I would then put the onus on the Provinces of suggesting how they propose finding the money for putting into execution the scheme that they desire.

4309. I am certainly not going to press you any further; I do not desire to make you say something you do not want to say; it is only that I want to get it clear. Let me take you to another point. You said just now, Sir John, that you were fairly satisfied with the safeguards?—(Sir John Thompson.) Yes.

4310. One of the principal safeguards is the reservation of certain categories of administration to the Governor-General himself?—That is so.

4311. Or, I will call him the Viceroy. You do not think that the pressure which might be exercised by the Legislature upon the Governor-General would not be very powerful, in spite of those matters being reserved? Let me give you an example. Supposing the expenditure upon the Army in India was called in question. That is part of the Reserved Department?—Yes.

4312. Do you not think that there might be great pressure exercised, notwithstanding the fact that it is reserved, by the Legislature upon the Governor-General, in respect of this Reserved Department?—Certainly.

4313. Which would very much diminish its efficacy as a safeguard?—I do not follow you there, Sir.

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4314. Supposing the Indian Government said: "Sir, we want you to reduce the expense on the Army," and he said: "Gentleman, I cannot" or "I will not," and they said: "Very well then, we are very sorry, but we do not see our way any longer usefully to serve your Excellency. We resign." What would the Viceroy do?—In the last resort, he would put in his own men, I take it. I always feel, if I may interrupt you for one moment, that the British Parliamentary ideas make the people in this country feel that these safeguards are impossible to execute, for the simple reason that it is inconceivable for people in this country to imagine, say, all the members of the Government being swept off the Front Bench of the House of Commons and their places being taken by permanent officials from the Offices, but that is a thing which has been done in India in more than one Province.

Lord *Hardinge of Penshurst*.

4315. Where?—Bengal, and the Central Provinces. Secondly, there is—

Marquess of *Salisbury*.

4316. Whenever a Government changes, all the occupants of the Treasury Bench are swept off?—But their place is not taken by permanent officials.

4317. No, certainly not. You think that would be quite a possible thing in India?—It is a thing that has been done; the Government have taken over the administration in two places.

Sir *Austen Chamberlain*.] Lord *Salisbury*, may I call your attention to the fact that the Witness was in the middle of an answer when you put a further question to him. He got as far as "Secondly," and we have never had his "secondly."

Marquess of *Salisbury*.

4318. I am extremely sorry; I am very much obliged to you, Sir *Austen Chamberlain*?—The second safeguard I was speaking about was the safeguard which enables the Governor or the Governor-General to restore grants that have been rejected. That, of course, is a thing which is inconceivable in England. If a grant is rejected, it is rejected; but in India it is a matter of frequent occurrence that grants which have been rejected by the popular House, are restored by Executive order. It is a question very largely, I think, of what people are used to.

4319. And you think that is a very good description of responsible Government?—I think that we have got to approach responsible Government by steps, and every step that we make may, or may not, require safeguards; but it is quite impossible to throw everything open now, and I think everybody would agree to that. You must have safeguards; every Constitution has safeguards.

4320. The question is, how far they are workable, of course?—But what I am trying to point out is that in India there are certain safeguards which have been enforced in the past which are almost inconceivable to people familiar with English Parliamentary traditions.

4321. So that you think that we are really disqualified from forming a good judgment on the subject?—No, I do not feel that, but I feel that it is essential that people should realise that what seems to them impossible in one country, is not really impossible in another.

4322. Let me take you to one other point with regard to these safeguards. The movements of the Army are part of the Special Department of the Viceroy?—Yes.

4323. The Army cannot be moved, except along railways and the ordinary means of communication. You will remember, will you not, what happened in 1919, Sir John Thompson?—Yes.

4324. The Hunter Report?—Yes.

4325. And you remember that one of the things which was revealed in the Hunter Report was that all the personnel of the railway were disaffected?—That, I think, we never found.

4326. I do not mean all over India, I mean in these particular places?—No, I do not think so. I speak subject to correction, but I think if you will look at the Report, you will find what the Hunter Committee did say was that the thing coincided with a period of great unrest on the railways, and that it was a little difficult to say how much was due to one cause, and how much was due to the other. There were certain instances given.

4327. It went to the extent of having to remove the railway telegraph services?—It may have, in one or two cases, but not in very many. I know some soldiers were brought in in Lahore as a precautionary measure, but not because, so far as I recollect, of anything that had actually been discovered.

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4328. At any rate, it was found necessary to remove the ordinary railway telegraphists?—Not *en bloc*; only in a very few instances.

4329. Do you think that it would be possible after the establishment of responsible Government, for the Governor-General or the Viceroy to use that sort of authority to replace the staff on the railway? Could he do such a thing?—You mean to say, if the whole of the railway staff went on strike over a matter of that sort?

4330. That is an extreme case?—Of course, it is a very extreme case. If none of your instruments will work over a vast organisation like the railways, it produces a situation—

4331. I do not want to press it too far, but the point is that in a time of great unrest there might be great difficulties amongst the staff on the railways?—It is conceivable that there might be.

4332. But you must admit there would be; if there was great unrest, there would easily be?—You mean, if there was universal unrest?

4333. Unrest in a Province?—Yes.

4334. Do you think it would be possible in such circumstances for the Viceroy to replace that staff with other operatives?—Of course, it depends entirely upon the extent of the disaffection, but if anything occurred on the scale that there was in the Punjab in 1919, I do not think there would be any difficulty in his replacing them.

4335. He would put in soldiers?—He would put in soldiers or other people. It is only very few.

Archbishop of *Canterbury*.] May I just interject a supplementary question? Are not these emergencies precisely those that are dealt with in Proposal 53 of the White Paper?

Marquess of *Salisbury*.] You mean suspending the whole thing?

Archbishop of *Canterbury*.] No. Proposal 53: "The Governor-General will be empowered at his discretion, if at any time he is satisfied that the requirements of the Reserved Departments, or any of the 'special responsibilities' with which he is charged by the Constitution Act render it necessary, to make and promulgate such ordinances as, in his opinion, the circumstances of the case require."

Marquess of *Salisbury*.

4336. I think Your Grace really does not follow exactly the point, if I may say so. The question is not whether he has a right under the White Paper, but whether he could effectively exercise the right?—I quite understand your Lordship's question.

4337. I gather, Sir John, you realise the difficulty, but you think it is not likely to occur?—I say it is entirely a question of the extent of the disaffection, that is to say, of the number of people whom he would have to replace.

4338. I will not press you any more about that. One more question. You will observe, Sir John, that the efforts I am making to you to inform me on these matters have taken you through various big heads of the White Paper. Do you think that the electrical machinery under the White Paper would be likely to work well?—The Local Governments have given it as their opinion, I understand, that the scheme would work. After all, they are in the best position to say, and the Lothian Committee, if I remember right, said that their recommendations represented the limits of manageability, I think was the phrase they used.

4339. I do not know about the Local Governments; no doubt you are right, but I have not heard that?—I am not absolutely certain about that.

4340. But I think some evidence we had yesterday from gentlemen belonging to the European Association, led to the conclusion that they would prefer indirect election to direct election?—There is a strong feeling among a great many people that that would be so. I have received letters from several of our supporters who are in favour of the scheme, known as the Zetland Scheme, which was considered.

Sir *Austen Chamberlain*.] I think you are referring to the answers put by me at the close of yesterday afternoon with regard to that?

Marquess of *Salisbury*.] That was so.

Sir *Austen Chamberlain*.] They referred to the election to the Central Legislature, not to the elections to the Provincial Legislatures.

Marquess of *Salisbury*.

4341. Does Sir John's answer refer to both, Central and Provincial?—No, only to the election to the Provincial Legislatures.

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4342. You mean that you would keep direct election for the Central Legislature?—It is not really a question that I have thought of very much.

4343. How can one think of all these things? But as a matter of fact, that particular part of the White Paper has not really been carefully considered by your organisation?—No, not as an organisation.

4344. May we say that neither the expenditure nor the electoral organisation nor altogether the working of the safeguards have been fully considered by your organisation?—Not as an organisation.

4345. That is some limitation; not altogether. It does not destroy it, but it is some limitation upon the value of the evidence, is it not?—Quite so; but no doubt your Lordship realises the extraordinary position we were put in. We made an application to give evidence, and we were told that we could not possibly be summoned before the 15th July; then it was brought back to the 7th July, and then, at about three or four days' notice, it was put back to the 5th July, and we only had about 36 hours for drafting our Memorandum. We sent it out by post, with stamped and addressed telegrams for replies, and we got the views of the members of our Council, but, naturally, it was not possible either for us or for them to go into them in great detail.

4346. Please do not think I want to criticise you, but what I wanted to do was to show the Committee what the full scope and value of the evidence was?—You were quite right.

Lord Rankeillour.

4347. Sir John, I think we quite understand your difficulties, but on the last point may I just ask you this. You say: "The Memorandum has been circulated in draft to the President and all the Members of the Council who are within reach, and has received the approval of 16 of them. Of the others, one is on his way to India, while in the short time available replies have not been received from the remaining two." That would make the Council 19, would it not?—That would make the Council 17, and one and two—20.

4348. Sixteen and one and two?—Yes.

4349. Nineteen; but then that is not the same Council that is set out on this

frontispiece?—As a matter of fact, the Council consists of the President and 19 members.

4350. But what is the Council on the supplementary document as set out? I have not counted them, but there must be at least 60?—No, only the first page, I think it is. (Mr. Villiers.) The first page is the Council. The rest represents our main adherents.

4351. I beg your pardon. It is this small print; I was misled. But, anyhow, this Memorandum has not been before these persons at all?—(Sir John Thompson.) Before the members of the Council.

4352. Before the supporters quoted here?—No.

4353. Has it been discussed orally by the Council?—No, it has not; there was not time for it.

4354. Therefore, it does not at all follow that all these persons here would necessarily approve of all the Memorandum?—You mean, all beyond the Council?

4355. Yes?—It does not, but all our supporters are in favour of the scheme generally.

4356. But there might be very big reservations on particular points. Anyhow, they have not had this print before them?—There might be very big reservations on particular points, but they are all in favour of complete Provincial Autonomy, Federation, and a certain measure of responsibility at the Centre.

4357. But the extent of the safeguards they have not considered?—In regard to the safeguards, they are generally in favour of the safeguards on the lines of those proposed in the White Paper, but they reserve their liberty to discuss individual safeguards.

4358. You say in paragraph 3, under the various sub-heads: "We feel that in view of"—(c) the votes of Parliament in December, 1931; (d) the preparation of the present proposals on the lines that are approved by Parliament" that the White Paper must be generally accepted?—Yes.

4359. Have you read lately the debates that took place in December, 1931?—Yes.

4360. Do you remember that two members of the House of Commons, who voted with the Government and spoke on that occasion, said that the policy of the Government, then announced, really made no difference at all. There was nothing new about it?—I take it from your Lordship.

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4361. That it is so?—Yes, that they did say so.

Lord *Rankeillour*.] In the House of Lords, Lord Hailsham in summing up the debate, as the leader of the debate—

Sir *Austen Chamberlain*.] Will you, for the information of the Committee, say to whom you are referring?

Lord *Rankeillour*.] I was referring to you, for one, Sir Austen. You said: "What is there which is novel? What is new? What have we not assented to already?" I have suggested to the witness that there was no fresh departure made. The other was Lord Winterton; that is all, to show that in the view of, at any rate, two people who voted with the Government, it made no fresh departure.

Sir *Austen Chamberlain*.] No, it was a re-affirmation of a policy already approved.

Lord *Rankeillour*.

4362. Quite; but this Memorandum makes it seem as if there had been some new departure, as if some new step had been taken?—By the votes then?

4363. By the votes in December, 1931?—I think very definitely a new step was taken.

Mr. *Zafrulla Khan*.] May one try to follow the question? We are in a difficulty. I thought the first part of the question was that it had been said in the House that there was no new departure of policy. Then the question went on to say: "Is it not a new step?" May I ask Lord *Rankeillour* to make his question clear? Does he mean this is a new departure of policy, and therefore not in accord with what was said in the House, or does he mean it is a new step—because there may be several steps in carrying out a policy?

Lord *Rankeillour*.

4364. Quite so. The point I was putting to the witness was this. He said that the votes of Parliament in December, 1931, and the preparation of the present proposals on the lines then approved by Parliament had made such a difference in the position that it was not now practical politics to make any considerable departure from the broad lines of the White Paper scheme. I am suggesting that the House of Commons and the House of Lords, in voting with the Government on those occasions, did not commit themselves to anything new.

Have you read this from Lord Hailsham's speech? In summing up the debate he said: "You are not committing yourselves to any scheme at all; you are not pledging yourselves to support any Bill when it comes before this House; you are committing yourselves to this and to this only, that you endorse the action of the Government in going on with their inquiries and negotiations." Have you got that point in mind?—I have that point in mind and also I have another point in mind, and that is the remarks made by Lord Lloyd when he followed Lord Hailsham, in closing the debate: "We were assured that if we voted for the White Paper policy we should be giving no final judgment on the policy. I do not think at 3,000 miles distance the Indian peoples will deal with niceties of that kind. I cannot help feeling convinced that those who vote for this White Paper policy to-day are definitely committing themselves honourably and honestly to the principle of simultaneous transfer of full responsibility at the Centre and in the Provinces at the same time. That is an indisputable fact. I can only say for myself that if I had given my vote—it is an atmospheric and psychological thing—if I had given my vote to the White Paper policy I should feel in honour bound never to vote against putting into practice full responsibility at the Centre and on the perimeter at the same time." I think, if I remember aright, Mr. Winston Churchill said something very much on the same lines in the House of Commons. He begged the House of Commons, if I remember aright, not to pass the resolution, on the ground that they would be bound and that it would constitute a pledge if they did so.

4365. You attach greater importance to the opinion of Mr. Winston Churchill and Lord Lloyd than to that of Lord Hailsham?—I attach greater weight to the wording of the resolution: "That this House approves the Indian policy of His Majesty's Government" and so on, and I do not see how you can change the word "approves" into the word "disapproves."

4366. You recognise that Lord Hailsham was speaking with authority as Leader of the House, and that his view must have influenced many of the Peers in so voting?—In this matter, I prefer to agree with Lord Lloyd and Mr. Winston Churchill.

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4367. Not in anything else?—I hope in much.

4368. You said "in view of the expectations that have been aroused in India." Have you read the evidence of Mr. Sinha before this Committee?—No, I do not think I have.

4369. I think you will find that it was given in evidence by Mr. Sinha that expectations had been aroused in India which were not satisfied by the provisions of the White Paper with the safeguards?—He gave evidence to that effect, did he?

4370. Yes?—I have no doubt it is true.

4371. If that view became general and prevailed, would you see your way to withdrawing the safeguards in order to make it more acceptable?—No, certainly not.

4372. In other words, whatever the expectations may be, the actual scheme must be sound and workable?—In other words, whatever the actual expectations, the scheme must be sound and workable.

4373. And if it were not sound and workable a point might come at which you would have to stand up and fight whatever happened?—That is, of course, only an extreme case.

4374. It would be the case here. I pass from that to what you say about the Federation, in paragraph 5 (c): "We realise the impossibility of persuading the States at first to transfer to the Federal Government the same powers as it will exercise in the provinces, but it is important that as far as possible they should transfer uniform blocks of powers." I do not know whether you read the evidence from the Princes' Chamber the other day, Sir John?—Yes.

4375. It was there stated that they were not in agreement as to what were the minimum powers that should be transferred?—Yes.

4376. And the Government of India have made no statement as to what are the minimum powers they would consider necessary to be transferred?—Is that so?

4377. Therefore, that is left very vague at present?—And, no doubt, will take some time to settle.

4378. Not amplifying too much what Lord Salisbury has said about the opportunities of anti-British tactics at the Centre, supposing the Viceroy, in his capacity as Viceroy, took up and pursued a certain policy, say, towards one of the States, and that was disapproved

of by a majority of the Legislatures, they could make things very difficult for him in his capacity of Governor-General, because of something he did as Viceroy, could they not?—It does not occur to me as a practical difficulty.

4379. You do not think a Parliamentary organisation could be got together to press him on his policy with regard to one of the States by making difficulties in the Legislature?—I do not think so.

4380. Have you read the representation from the Indian Police Association?—I have

4381. You noticed that they suggest a number of safeguards?—Yes.

4382. Which they think essential?—Yes.

4383. Do you approve those?—I think, generally speaking, the suggestions in the Police Memorandum were very sensible and I would also draw attention to the concluding words of their Memorandum.

Sir Austen Chamberlain.

4384. What are the concluding words?—I have not got the Memorandum before me, but it was something to the effect that if the safeguards for which they asked were given, they hoped to spend many years longer serving the Government in India.

Lord Rankeillour.

4385. They also say they might have to dissolve altogether if those safeguards were not conceded?—I do not remember the exact context. I do remember their saying something about it—that it might be better to dissolve the Police Service if certain things did not happen.

4386. I think that is so. You would not affirm that they did not say that?—No.

4387. Those recommendations, speaking generally, were affirmed by the European Association, were they not?

Perhaps you may not have seen the evidence?—I have not had time to study the European Association's representation.

4388. You would attach a great importance to the maintenance of the Courts and Judiciary in full efficiency?—Quite so.

4389. Have you studied the White Paper from that point of view?—Indeed I have.

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4390. Do you approve the provisions which would enable the powers of the High Court to be diminished by Provincial legislation?—It is only in regard to certain subjects.

4391. But a great many?—The important thing with regard to powers are the Letters Patent, I take it, and the criminal procedure code and the civil procedure code, of course; and you will find that those are both the subjects of concurrent legislation which is subject to certain definite provisions of the White Paper.

4392. Yes, it is true they are in those respects, but there would be no case of the Legislature not being able to override the existing codes—the Central Legislature, anyhow?—The Central Legislature would be able to amend the existing codes.

4393. Exactly; and change the constitution of the High Court?—I am not quite sure how far that would fall under the Letters Patent.

4394. Anyhow, they would be able to change the powers of the High Court?—I take it they could, but there again I am not quite certain how far the Letters Patent go.

4395. The Provincial Legislature could change the qualifications of the subordinate judges and the judiciary?—Yes; I suppose they could.

Mr. *Zafrulla Khan*.

4396. They can do so now?—Of course, they can do so now.

Lord *Rankeillour*.] This popular body could do so.

Mr. *Zafrulla Khan*.

4397. They can do so now. What is the point of the question?—The Ministers cannot do it now.

Lord *Rankeillour*.

4398. No, but the Legislature can?—The question of recruitment, as a rule, does not come before the Legislature.

4399. I did not say exactly recruitment, but the standard necessary for the lower judiciary?—That, if I remember aright, is generally done by executive order.

4400. But whether now or in the future it could be done by the Legislature?—It could be done at any rate by the responsible Ministers.

Mr. *Zafrulla Khan*.] Neither the Questioner nor Sir John know the details of

the procedure. I do not mean any disrespect to them. The procedure with regard to the recruitment of the subordinate judiciary is this. It is the High Court who lays down the standard of qualifications, and they select every appointment, and it is on their recommendation that the actual appointment is made. The Government does not appoint anybody whom the High Court has not recommended, nor does it refuse to appoint anybody whom the High Court does recommend.

Sir *A. P. Patro*.] In Madras Province the High Court makes the appointment of the Munsifs.

Sir *Tej Bahadur Sapru*.] There are certain Acts of the Indian Legislature defining the jurisdiction of the High Courts and giving them certain powers over the subordinate judiciary, so that, even if a Minister were so foolish as to interfere, he would not have that power under those Acts. Take, for instance, Bengal, Assam and the United Provinces; they are governed by one Act; Bombay is governed by another Act; and Madras is governed by another Act. There are Letters Patent issued as far back as 1865 which define the jurisdiction of the High Court in regard to civil matters, probate, matrimonial and Admiralty matters, and during the last 65 years no attempt has been made to tamper with those Letters Patent.

Lord *Rankeillour*.

4401. However, you would be in favour of the powers of the High Court with regard to recruitment, which you have just mentioned, being maintained, would you not?—I am not quite sure whether the practice is uniform in the different provinces. I believe in some cases the Executive Government who actually make the appointments accept the recommendations of the High Courts, as a matter of course, and in some places they do not.

Chairman.] My Noble Friend will bear in mind that there will be an opportunity to ascertain facts of this sort from the Secretary of State very shortly.

Lord *Rankeillour*.

4402. On page 116 of the White Paper power is given to the Provincial Legislature to legislate on the administration of justice, including the constitution and organisation of all the lower Courts?—Yes, but you will see in List III.—

Lord *Rankeillour*.] That applies to jurisdiction powers and authority.

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Sir Austen Chamberlain.] May we know what we should see in List III.? You put a question to the witness when he was in the middle of an answer, and interrupted him to put another question.

Lord Rankeillour.

4403. I beg your pardon?—Criminal Procedure, Criminal Law, Civil Procedure and jurisdiction powers and authority of all Courts with respect to the subjects in this list are subjects of concurrent jurisdiction, and they are subject to certain special reservations which are set forth at length in the Bill.

4404. I quite accept that, but that does not override Item 28 on page 116 that the constitution and organisation of the lower Courts are the exclusive Provincial rights of the Provincial Legislature?—Yes; I do not quite know what "Constitution" means there, whether it means the setting up of Courts.

4405. The organisation?—The organisation in a certain sense is all covered by the Code of Criminal and Civil Procedure.

4406. They are given power to change the organisation?—They are not given power to change the Code of Criminal Procedure.

4407. They could change the qualifications of the judiciary?—That does not come into the Criminal Procedure Code at all.

4408. I did not say it did?—Of course, they could change the qualifications of the judiciary.

4409. Has your Association thought that point out and the implications of it?—No. That is not a question we have discussed as an Association. I think, if I may say so, one point about the Courts it is most important to bear in mind is that as working instruments of justice the Courts will still be subject to the High Court and not to the Government.

Major Cadogan.

4410. My Lord Chairman, I should like, if I may, to press Sir John for a further answer, or, at any rate, to press him to elucidate an answer he gave to Lord Rankeillour which I think is of supreme importance. I failed to understand his answer. It seemed to me absolutely to cut across the basic argument of his Memorandum. Lord Rankeillour asked Sir John, in reference to his statement that it is the best policy to go up to the limits contemplated by the White

Paper, whether he should not put in a qualifying phrase, "provided the White Paper is acceptable to the Indian intelligentsia," and, so far as I could make out from Sir John's answer, he had to admit that it might be expedient to hold Indian aspirations in check under certain circumstances; but if you look at sub-paragraph (d) of Paragraph 4, Sir John, or his Union, speaks of "the impossibility of holding Indian aspirations in check." Might I put my question in this way: Is it the fact that your Union was not content with the recommendations of the Statutory Commission because, since they reported, Indian aspirations have gone further? Is that the attitude the Union takes?—You mean to say that Indian aspirations have been raised since?

4411. Yes?—Undoubtedly they have.

4412. Then that is the reason why you are not content with the recommendations of the Statutory Commission?—The fact that aspirations have been raised has added to the forces which have to be taken into account.

4413. Supposing (a not at all improbable contingency) that aspirations have been raised by the White Paper, I take it, by your answer to Lord Rankeillour, that supposing the political intelligentsia in India objected to any or all of the safeguards, then the Union of Britain and India would have to institute active propaganda against the safeguards?—No, not at all.

4414. Why not? May I refer to sub-paragraph (d) of paragraph 4?—There are two points there; first of all, how far they are genuine aspirations, and the second is the time limit.

4415. Who is to decide whether the Indian aspirations are genuine or not?—That is for Parliament to decide.

4416. Then your Union would support Parliament, supposing Parliament decided that some Indian aspirations should be held in check?—That is so.

4417. Does not that cut across the basic argument in your Memorandum?—I do not think so. We have always held the necessity for safeguards.

4418. That is outside the point, I think. I will not pursue it. I think I see what is in your mind. Mr. Villiers has some views which he would like to express on that particular point which you have been speaking about?—(Mr. Villiers.) With regard to the growth of Indian aspirations recently, those are, I

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think, chiefly confined to the aspiration which has come into the picture as a practical possibility of forming a Federation, owing to the indication that the Princes are willing to come into the Federation. With regard to the point you raise about the extent to which we should have to go in meeting Indian aspirations, I think our adherents would agree with this point of view—at all events it is one which I hold—that the main strength of India's opposition has been cut away, due to the fact that I believe India as a whole recognises that the broad principles enunciated in the White Paper are reasonable, and are as far as India can go, with safety to herself, and that therefore you will not get the same body of opposition in future as you have had in the past, because, as I say, they recognise, that it is a reasonable proposition that is being put before them, one with which they can, with self respect, agree to and throw in their weight on the side of. Therefore I do not believe that in future there is any likelihood of getting a great mass movement in India against the White Paper.

4419. I quite accept that, Mr. Villiers, as your opinion, but, of course, we have got to take every contingency into consideration, and on the subject of safeguards, an extremely important one, it might be that you would have a strong movement for modification, and then I fail to see what position your Union will be in by virtue of the very categorical statement in sub-section (d). That is my only point. There is one other question I should like to ask. I think it is very useful that we should know the opinion of everyone on the subject with regard to what they call the infiltration of political ideas into the masses of India. I will not insult your intelligence by asking whether the whole of the villagers of India are taking an interest in our Proceedings, but I should like to know very much how far beyond the circle of those who are immediately connected with Legislatures and politics in the towns, you think political consciousness has really emerged?—(Sir John Thompson.) I think it is extremely difficult to say, but, at the same time, my own opinion is this, that, roughly speaking, it is true to say that all the educated people are in favour of running their own show. There are more literate

males in India than there are in the British Isles, and what I think so very often disguises the enormous magnitude of the forces with which we have to contend in India is the fact that we are so apt to talk about percentages. Eight per cent. sounds very small, but if you begin to deal with that crude percentage and to examine it, you very soon realise that there is very much more behind it.

4420. I think I did not put my question quite in the right way. What sort of type and caste of people who live up-country have assimilated these ideas?—Assimilated these ideas? That is going very very deep. I mean, after all, how many people are there in England who have assimilated the ideas of the White Paper? What you mean is really, generally in favour of running their own show.

4421. I did not mean who have appreciated all the implications of the White Paper. I meant how far have they appreciated that there is a movement for self-government, in a vague way, at all?—I think it is very widespread. It is these great mass movements that I was referring to in answer to Lord Salisbury, I think, which have spread these ideas. Take, for instance, the Red Shirt movement on the Frontier. We had a whole division of troops out to cope with that. The great Ahrar movement in the Punjab in the cold weather of 1931 and 1932; even before that there was the Akali movement, and then, lastly, the great "No Rent Campaign" in the United Provinces. There has been an extraordinary stirring of political ideas all over the country, and I hope that in the end it may have one very good result, and that is that it will have stirred up the so-called voiceless millions to understand something of what is going on; the value of combination; the fact that they have rights; and in the end possibly turn them against people who are now, to some extent, trying to victimise them—Congress agitators.

Sir Joseph Nall.

4422. Mr. Villiers earlier, in reply to a question, referred to one of the causes of what he described as the failure of the Montagu-Chelmsford Reforms. Would Mr. Villiers shortly elaborate what he means by the failure of the Reforms?—

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(Mr. *Villiers*.) I will put it in a different way. I think the Montagu-Chelmsford Reforms would have produced more obvious fruit, had there been a sufficiency of money for the Ministers in charge of the transferred Departments to show some result. I, myself, when I was in the Bengal Legislative Council, which I was for three or four years, have seen these Ministers faced with the position that they were pressed, on the one hand, by the country and by their Legislature, to get on with certain social reforms, sanitary, and so on, and they had not got a single penny to spend, and wherewith to show results. Personally, I think that in many cases we have attributed blame to Indian Ministers, so far as the Montagu-Chelmsford Reforms are concerned, for shortcomings which is undeserved since we were, through force of circumstances, I admit asking them to make bricks without straw.

4423. Has there been a considerable increase in the Indian Budget since 1919?—I imagine there has been, yes.

4424. Has the expenditure increased more in the transferred Departments than in the reserved Departments?—I think not, no; there has not been the money to spend. More in the reserved than in the transferred; the reserved Departments have the first call on the rather meagre resources of the purse, and the transferred Departments were left with practically nothing to spend.

4425. Is it the fact, for instance, that in the United Provinces the staffs in the transferred Departments have been considerably increased?—I am afraid that I am not conversant with the United Provinces' Budget or the legislative enactments.

4426. Sir John Thompson referred just now to the possibility that the electoral proposals might take a different form. I think he said his Council had not really considered the precise proposals for the new electorate. Is that so?—(Sir *John Thompson*.) Yes.

4427. Would it be fair to say that the electoral provisions in the White Paper have not really been assimilated by your Council?—As individuals, I think some of us have studied them very carefully, and, as individuals, some of us have put forward suggestions for their amendment; but the franchise scheme, of course, as you realise, is a scheme which consists

largely of details, and it was impossible for us to put anything in this Memorandum, which we circulated to our Council with a request that they would give us a telegraphic reply, without courting the possibility of disagreement on a number of details.

4428. Is it possible that on further consideration you might like to submit a further definite suggestion relating to the franchise?—Well, we could do it, if this Committee desired it greatly.

4429. But, I understand, that up to date your Council, as such, has not definitely formed any conclusions on the precise proposals for the franchise?—Not as a Council, no.

4430. You would agree that the whole stability of the new structure may largely depend upon the franchise on which it is based?—Well, I am not sure that I would agree with that statement in that form.

4431. Do you suggest that the observations you made just now relating to the franchise, do, or do not, indicate that some modification might be recommended by your Council after further consideration?—Certainly.

4432. Then I think the view of your Council was that the scheme of reform or a scheme of reform should be definitely drawn up and be available; the position should be that the Provinces should be told that as and when they were in a financial position to carry out the scheme, it should then be put in force in those Provinces?—That is, more or less, what is implied in the introduction to the White Paper.

4433. Do you think it is practicable to bring the scheme or a scheme into operation in one or two Provinces before it is brought into operation in all Provinces?—Personally, no.

4434. Then what you said just now about Finance would really mean postponing the whole scheme until every Province was in a position to operate it?—It would, of course, logically mean that. Whether the case of any Provinces would be so bad as to justify an exception to the principle, is a question which could only be decided after careful examination. I do not deny that it is conceivable that there might be a justification for making an exception.

4435. But in Part VII of the White Paper, Transitory Provisions, I think it

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is indicated that the Provincial Constitutions for which it provides should be brought into being, if necessary, before the Constitution as a whole comes into being. You do not visualise bringing the provisions into operation in some Provinces in advance of all Provinces. You definitely say you do not visualise or regard as practicable the bringing into operation of these provisions or of a scheme in any Province, until it can be done in all Provinces?—I think that, generally speaking, it must be done in all Provinces, as far as possible; but, as I say, it is conceivable that there might be some of these new Provinces where it might not be possible to bring it into effect at once.

Sir Reginald Craddock.

4436. Sir John Thompson, you have referred to the fact that the masses are being stirred up lately?—Yes.

4437. Is that any new thing?—I think it is.

4438. You were in the Punjab over the Colonisation Bill, were you not?—Yes.

4439. Were not the masses stirred over that?—Nothing like to the same extent, I think.

4440. Possibly not to the same extent, but of the same kind?—It was just one movement; we have had now a continuous chain of these movements ever since 1919.

4441. You were in the Punjab, and you were Sir Michael O'Dwyer's Chief Secretary in 1919, were you not?—Yes, I was.

4442. What about the Rowlatt agitation, was that a Swaraj agitation?—Yes.

4443. What was that?—How do you mean, what was it? It was a very big agitation against the Government.

4444. Over the Rowlatt Bill?—Yes.

4445. And it was, I suppose, a very mendacious agitation?—Very.

4446. Utterly mendacious?—Very.

4447. They were threatened with all sorts of things which had no bearing upon it, and which were entirely false?—Exactly.

4448. That only means that false propaganda and malignant and false agitation can stir up ignorant men now as it did a few years ago?—Yes.

Mr. Zafarulla Khan.] Ignorant men in India.

Sir Reginald Craddock.

4449. I am speaking of the ignorant men in any country, but in India the

number of ignorant men is much larger, is it not?—Yes, certainly.

4450. Therefore, when you give the instances of the masses being swayed by false and malignant propaganda, that does not indicate that the masses know anything or care anything about the White Paper, does it?—I have never maintained that.

4451. That was their look out; I am not blaming them for agitating or the masses for being excited, but I put it to you that they were liable to be easily excited over things they did not understand, by false propaganda?—(Sir John Thompson.) Yes, which the Government had practically no means of counteracting.

4452. It had more means or used more means formerly than it has done lately—is that not the case?—Is that so? Government propaganda has always been very poor stuff, very feeble stuff.

4453. But it is a question of restraining the false propaganda and the calumniator?—Yes.

4454. For instance, the Press was entirely unchecked for a long time, was it not?—The Press was entirely unchecked for a long time, and I think the Press of India will always be better for a little restraint.

4455. Then in answer to Lord Salisbury, I think you made rather light, if I may say so, of the extent to which railwaymen and telegraphists gave trouble in 1919. Do you know, for example, that Sir Geoffrey de Montmorency in his District, which was one of the canal colonies, had himself to remove the signallers in the telegraph office of his District, because he found that messages to the General were not going through, or were going through in a mutilated way. Have you ever heard that?—If I have heard it, I have forgotten it.

4456. But that was one of the cases in which it was necessary to take precautions on the railway line?—Yes. That case is not mentioned, if I remember aright, in the Hunter Report, is it?

4457. No, I do not think it is; it was told me by Sir Geoffrey de Montmorency himself. Now you also referred to the fact that some soldiers and others were put in at the time of the trouble in the Punjab; you remember that an aeroplane had to be used, because all the communications had been cut?—Yes. May I just make one correction? In that case, I do not think we have got any evidence,

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have we. (I speak subject to correction) that the communications were cut by the telegraph people themselves?

4458. I dare say they were not?—They were cut by the rioters.

4459. That may be, but they had not got the co-operation of the telegraph people at that time?—It would not be very much use, if the wires were cut.

4460. You are perfectly aware, Sir John, I think, that the telegraph was being used to incite people by signallers telegraphing to one another—was that not the case?—I do not quite know how far that was the case. As I said, you will find in the Hunter Report that they laid great stress upon the fact that there were two movements at work then; one was a movement towards a general strike on the line for matters entirely unconnected with the Rowlatt agitation, and there was also, on the top of it, the Rowlatt agitation.

4461. It is always possible to have similar circumstances. I am referring to the answers you gave to Lord Salisbury?—In which you said that you thought I had rather made light of these things?

4462. Yes?—What I said was that the actual number of cases in which it occurred, so far as I remember, were not very large, and that it would be necessary in certain cases, possibly, to replace disloyal people by loyal people, and that the difficulty would turn—the whole question would turn, on the number of people who had to be replaced. That is what I said, I think.

4463. And if there was a general strike, there would have to be a lot replaced, of course?—Of course.

4464. In 1919, among the people who were put in and came to help the Government, were there a number of Anglo-Indians?—I am sure there were, but I cannot quite recollect at the present moment.

4465. You said soldiers and others?—Yes.

4466. The others probably included a number of Anglo-Indians and domiciled Europeans?—I do not quite know. A man who is called in to assist in the telegraphs has got to understand how to telegraph, and I really do not know whether there was any reserve of trained operators in the Anglo-Indian community.

4467. You refer to the movements in the United Provinces and probably Bihar?—Yes.

4468. Was that indicative of any genuine desire on the part of the cultivators for self-government in the shape of the White Paper scheme?—No.

4469. It was only the case that Swaraj was represented to them as a sort of millenium in which no rent would have to be paid?—That is no doubt it. I mean that political ideas were let into their minds.

4470. There is one other matter regarding the new system. Have you any ideas as to what parties there are likely to be?—That depends, of course, on future developments. The natural line is the distinction between urban and rural which has developed to some extent in the Punjab despite the communal lines of representation.

4471. You do not know outside the Punjab; you would not be prepared to say what the parties would be?—No, I could not say.

4472. Or how they would group themselves?—No, I could not say.

4473. In respect of the safeguards, you are in favour, and your Association is in favour, of safeguards. Are they perfectly satisfied that the safeguards will be effective? Is that the position they take up?—That is the position we take up generally, yes.

4474. You are quite satisfied about that?—Yes, Mr. Villiers would like to add something to my answer. (Mr. Villiers.) May I say a word on the question of safeguards?

4475. Yes?—I feel that in the face of a very widespread, almost universal, and a malignant determination to break the Constitution, if it were a movement throughout the length and breadth of the land, no safeguard could be found other than the safeguard of the Army. That holds good, I think, of any country in the world; but, so far as the safeguards are concerned for dealing with local and, to some extent, spasmodic, efforts either deliberately to do harm or inadvertently, through lack of experience, we believe that the safeguards will give time for better counsels to organise themselves and believe ultimately to prevail, and believe definitely that they can be made practical use of.

4476. With regard to one thing you said about money not being available for the transferred Departments, you were not able to tell us whether the expenditure had risen more over the transferred head or the reserved head?—It has risen

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more over the reserved head. So far as that is concerned I can only speak of Bengal.

4477. You had to spend money on dealing with anarchy?—Yes.

4478. But before that, between the interval of the reforms and when the more recent agitation took place, say, up to the coming of the Simon Commission, was not a lot of money put at the disposal of the Ministers rather to the detriment of the reserved Departments?—Never to the extent of jeopardising the reserved Departments.

4479. That is a matter of opinion?—I suggest that the proof of the pudding is in the eating.

4480. You have not read the Report of the Government of Bihar and Orissa?—The reserved Departments carried on their functions.

4481. You have not read the Report of the Government of Bihar and Orissa?—Yes, as a matter of fact, I have.

4482. Which one?—The 1929 Report.

Sir *Reginald Craddock*.] I suggest you had better read it again.

Lord *Eustace Percy*.] Would Sir Reginald tell us what was in his mind when he said that?

Sir *Reginald Craddock*.] A statement in the Bihar and Orissa Report that it had been necessary to reduce the numbers of the police below the safety level because they could not get sufficient money for the very necessary improvements in equipment and pay which were required.

Lord *Eustace Percy*.

4483. I challenged Sir Reginald on that statement on a previous occasion, and I read the Report concerned, and I still do not think it bears out that statement?—The Province carried on; it did not break down.

Sir *Reginald Craddock*.

4484. I did not suggest that?—There were no violent outbreaks throughout the Province in spite of the fact that the police were cut down.

4485. There was a question I wanted to ask Sir John Thompson. You gave an illustration of the Central Provinces and Bengal as a case in which the Ministers disappeared and officials took their place?—(Sir *John Thompson*.) Yes.

4486. That was not a case of a Governor overruling Ministers, was it?—It was a case of a Governor taking over charge.

4487. He did not overrule Ministers?—No.

4488. He did not dismiss his Ministers?—He simply took over charge.

4489. What was the reason for that, do you remember?—I really forget the details.

4490. Perhaps you will remember, if I point out to you, that the reason was that the Legislative Council would not vote any salaries for the Ministers?—I take it from you, Sir Reginald, but my point was that a thing which seems inconceivably drastic to us in England perhaps does not appear so to people in India.

4491. The point I was putting to you was that there was really nothing drastic about this at all. The Central Provinces Legislative Council voted the Ministers, in derision, a salary of Rs.2 a year?—Yes, they did.

4491A. In Bengal I think they did not vote them any salary at all. That was an action merely of breaking up the reforms?—I have no doubt it was. (Sir *Alfred Watson*.) The trouble was that the Ministers regarded the deprivation of their salaries as a drastic action.

4492. One or two of them continued with no salaries for some time. They then said the Council was hardhearted. Was Mr. Villiers, when he talked about money not being available for social services, thinking of social services of the kind we have in this country, or what was he thinking of?—(Mr. *Villiers*.) I was thinking of the general development of the transferred Departments, Sanitation, Education, and so on.

4493. I suppose you take cognisance of the fact that Provincial Revenues altogether do not come to more than about 6s. per head per annum, and therefore it was not very possible to find money for heavy expenditure of this kind, and will not be unless the finances very greatly improve?—That is so, in part, but I do not think the Provinces are taxed to the extent that in some cases they are reasonably taxable, and also many of the financial returns to Government via taxes and super taxes, and so on, were depleted or curtailed owing to the general trade depression

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that took place. Many of those years were special years of financial stringency everywhere.

4494. You would not call it so up to 1927?—No, I am talking about later years.

4495. Yes, but the figures I am giving you represent the normal 5s. or 6s. per head?—Yes.

4496. Sir John Thompson, there is only one other point. Do you attach any importance to the fact that municipalities being responsible to their own municipal committees have not, on account of that responsibility improved in their administration?—(Sir John Thompson.) Do I attach any importance to it?

4497. Yes, as bearing on the subject of responsibility being given and developing certain responsible qualities?—You assume, in the first place, that the sense of responsibility has not developed in municipalities. I think there is a great deal to be said for that view, but, at the same time, I think that things are improving; that people are taking more interest in their municipal work, and that a good deal of the municipal work is very well done. I know, of course, that there have been very serious strictures passed on the work of the municipalities by the Government. We have to remember that those strictures were really passed by the Indian Ministers, and that they do show that the Indian Ministers, at any rate, as a result of their administration of the local Department of self-government are realising the nature of their duties.

4498. That is a question of fact about which you would only be able to speak very generally?—Very generally.

Miss Mary Pickford.

4499. Is it a fact that the blame for the want of funds for the development of the transferred Departments has been laid upon the British official administration?—On the official administration, yes.

4500. Do you consider that it would be a valuable political education under provincial autonomy for people to realise that if they want social reform the funds for that social reform have got to be found?—Exactly. I quite agree.

4501. I think in answer to Lord Salisbury on the question of the franchise you said that the best judges of whether the franchise proposals were workable or not were the Provincial Governments?—I did say that, yes.

4502. And therefore if they had assented to the franchise proposals it may be assumed that they have gone carefully into the details and that they consider that they are workable?—Yes.

4503. I think you also said that some of your Members and supporters are in favour of indirect election for the Provincial Councils?—Yes.

4504. In view of the answer you already gave would you then consider that if the Provincial Governments had, after very careful consideration of indirect election, decided against it, that that would be an opinion which would be worthy of great consideration?—Yes, indeed.

4505. On that point I would draw your attention to a quotation from the Franchise Committee's Report, page 29, paragraph 56, in which it is said: "The proposal" (that is the proposal for indirect election) "has received a good deal of consideration, and has not commended itself either to public or to official opinion in any marked degree. Every Provincial Government and Provincial Committee is now against it." You would consider that that is an opinion which is entitled perhaps to the highest respect?—I should consider it entitled to higher respect if the reasons were given.

4506. Of course, I have not time to go into the reasons?—No.

4507. But you would consider that that was an opinion to which as much respect could be attached as to the opinion of any individual?—Yes.

4508. Greater perhaps than to the opinion of any individual?—Quite so.

Mr. Davidson.

4509. Sir John, apart from your service in the Punjab, you were for some years head of the Political Department?—Under the Viceroy, yes.

4510. In your opinion (I gather it was so from an answer which you gave to Mr. Cadogan), the declaration of the Princes in favour of Federation not only altered the political situation, but made its impression upon the politically minded India?—Yes; it was not so much, if I may say so, the acceptance by the Princes, as the acceptance of the acceptance by the Princes by the Government.

4511. If you will turn to paragraph 9 of your Memorandum you express the opinion that the creation of a Supreme Court should be delayed until there is

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a much stronger and more general demand for it than there is at present?—Yes.

4512. On the ground of expense?—Yes.

4513. I wonder if you could elaborate that a little?—Of a Supreme Court to take the place of the Privy Council very largely; not the Federal Court.

4514. No, but a Supreme Court for British India?—Yes.

4515. You prefer the existing practice to continue of direct appeals?—I think it is a thing for India to decide herself. I remember well, and I have no doubt some of the Indian delegates remember well, when the case was discussed in the Assembly, I think it was Pundit Moti Lal Nehru who spoke very strongly against the establishment of a Supreme Court in India. Sir Tej Bahadur Sapru will correct me if I am wrong. He was in favour of the retention of the Privy Council.

4516. I gather that at the beginning it would be an expensive luxury?—Yes; it would be one of the things where you could save money.

Sir Hari Singh Gour.

4517. Is it not a fact that Pundit Moti Lal Nehru recommended it in his report known as the Nehru Report?—I do not remember. Sir Tej Bahadur Sapru will tell me if that is so.

[Sir Tej Bahadur Sapru.] Yes, he did?—Did he? That was against his speech.

Mr. Davidson.

4518. I gather, although it was not perhaps quite clear, that the fear of certain people is that under the new Constitution in a case of great emergency, or where the peace of the country was disturbed, the movement of troops might be more difficult than it is at present. Is it your opinion that the railway staffs and telegraph staffs under Federal Government would stand less firm behind that Government, or the Viceroy operating his special responsibility, than they have heretofore behind the Government of India?—I do not think so, especially if you have a statutory Railway Board. I think the statutory Railway Board is important, just as it is in the case of the Police. You want to keep these administrative disciplinary services free from political interference.

Sir John Wardlaw-Milne.

4519. Sir John, I want to bring you back for a moment to the question of the Police and the C.I.D. You made your position perfectly clear regarding the Special Branch and the Terrorist Movement in Bengal; but it was not very clear to me whether all of you here present and whether your Council as a whole were in entire agreement as regards the C.I.D. apart from the Special Branch; that is to say, whether they were in favour of the C.I.D. being transferred to the control of a Minister, or whether in fact some of your members would have preferred the C.I.D. also to be reserved from the control of a Minister. I want to know exactly what your attitude is?—We are in favour of transferring the ordinary C.I.D.

4520. You are all in favour of it?—Yes. Mr. Villiers and Sir Alfred Watson have very much more experience than I have of the actual position in Bengal, and perhaps you would put your question to them.

4521. I am quite clear as to your position. It is as regards the C.I.D. that I want your opinion?—We are in favour of transferring it to a Minister. (Mr. Villiers.) As was said before, the Police is divisible into three parts: the ordinary police, the C.I.D. and the Special Branch. The Governor should have as one of his special responsibilities to control the Special Branch; he would have as his sub-agent the Inspector General of Police; that same Inspector General would be dealing with C.I.D. matters. Special Branch, that is to say, Terrorist matters, would be put up by the Inspector General direct to the Governor. C.I.D. matters would be put up by the Inspector General to the Minister.

4522. As far as the C.I.D. organisation is concerned, you are quite prepared that that should be under a Minister?—Yes; but in the hands, of course, of the Inspector General.

4523. Does your final remark, "in the hands of the Inspector General" mean that you make it a *sine qua non* that the Inspector General should have direct access to the Governor?—Certainly; that is an absolute *sine qua non*.

4524. In your paragraph 2 (b) you refer to the Indianisation of the Services. Have your Council any views regarding the progress of that Indianisation? Do you contemplate a time when

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there will be no Europeans in the service of the Crown, or do you think it desirable that Parliament should lay down a minimum number of Europeans, even on the basis of the Lee Commission or otherwise?—(Sir John Thompson.) I do not think it is possible for Parliament to lay it down, because it is impossible to say how things are going to develop. One thing we have got to watch is the extent to which any diminution in the prospects of the Services affects the quality of the recruits.

4525. You do not think that there is any question of the necessity of laying down a minimum number of Europeans in the All-India Services?—I do not think it would be possible to do it at present.

4526. In regard to (e) in the same paragraph, you refer there to the Chamber of Princes, but it will be, of course, within your knowledge that there may only be a certain proportion of the Princes, if this scheme were put into operation, who would take part in the Federation?—Yes.

4527. What proposals have you in view for filling the gap which will be thereby caused?—Two suggestions have been made. One is that the balance should be made up by nomination by the Viceroy; and the other is that you should increase the representation of the States which do come in; that is to say, if you had only 50 of the seats filled in the Upper Chamber, you would double the representation of each State which did come in.

4528. And of which of these two alternatives do your Council approve?—The question has not been before the Council at all. Personally, I should be in favour of doubling the representation of the States.

Mr. Davidson.

4529. May I ask a supplementary question? Do you mean doubling the representation or doubling the value of the vote?—I do not think it would matter very much which way it was done. I think on the whole I should prefer doubling the representation, because it would give them an extra force in debate.

Sir John Wardlaw-Milne.

4530. Is that irrespective of the communal views that would then be represented?—I do not think you can touch the communal question there.

4531. Just one other point about Second Chambers. You refer to the Second Chambers in some part of your memorandum. Are you in favour of Second Chambers throughout the different Provinces?—It is not a question that we put to our Council, but the three witnesses who are here now are, on the whole, in favour of a Second Chamber. At the same time it is a thing which, in the end, every Province must decide for itself. I am, on the whole, in favour of a Second Chamber where there are special classes to be represented in the Second Chamber.

4532. Your Council of course, realises that Second Chambers naturally mean more expense?—I do; but I think it is very easy to exaggerate that expense.

4533. Is it too strong to say that you would be in favour of Second Chambers irrespective of the extra cost?—Generally speaking, provided there are suitable interests to be represented there, as there are undoubtedly in the United Provinces, and in Bihar and Bengal, but I do not know that there are in the Punjab.

4534. You look at it merely from the point of view of representation; not from the point of view that the Second Chambers might be a very useful buffer between the popular Lower House and the Governor?—One has to take into account both considerations.

4535. But the first is the predominant one in your case?—Yes.

4536. Then, regarding commercial safeguards, in the second clause of paragraph 8 of the document you put in you say: "but we look for a further development in the close working together of British and Indian commercial interests." Is there any sign of that?—I should like my colleagues to answer that question. I passed most of my time in Provinces where there is very little European business. (Sir Alfred Watson.) Sir John, I should say that there has been an enormous development of common commercial interests in Bengal, Bombay, and elsewhere. I am glad to say that we find that British firms are taking an increasing proportion of Indian Directors upon their directorates. We find also in Calcutta that large firms—I am speaking of the outstanding firms—are taking into their service young Indians whom they intend to train not for subordinate positions but for high positions in the firms. As a further indication, I should say

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that 70 per cent. at the least of the shareholding in the jute mills of Calcutta, which are under European management, is Indian. That is true, in a somewhat less degree, of the great tea interests. I do not conceive it possible in the future that Indian legislators are going to discriminate against British trade when that trade is largely owned by Indians.

4537. I think we would all agree as to the desirability of the extension of that procedure; but what I want really to know is, arguing from that, do you argue that the safeguards that you refer to in this memorandum are therefore not so likely to be necessary, or do you argue that it is all the more desirable to have them because there will be no outcry against them in view of the very facts you have stated?—I think the outcry against safeguards against commercial discrimination will be very small indeed.

4538. For the reasons you have given?—Yes. I am afraid I am rather making a speech upon this matter, but perhaps the Committee would allow me to refer to the Indian Coastal Bill which is an outstanding example of an attempt by Indians at commercial discrimination, and has occupied a great part in the controversy there. I am bound to say, speaking as an European, that the Indians have a case for a large share in their coastal shipping; and, although I opposed the Bill very strongly because it savoured of expropriation, I recognise that Indian Company after Indian Company which endeavoured to develop a coastal service has been financially shattered by the heavy combination of the British interests. I think those British interests have to realise in the future that they must be prepared for a real partnership and must admit Indians to at least a share in their coastal trade.

4539. At the same time, it would not be unfair to say that all that trade has been built up by British interests?—It depends, Sir John, upon how far you are going back. When we went first to India, there was a very great coastal trade solely run by Indians.

Lord Irwin.

4540. My Lord Chairman, may I interject a supplementary question to Sir John Thompson? Is it the case, in regard to what Sir Alfred Watson has just been referring to, that in the last month an agreement has been reached between the Scindia Company and

British India?—I believe that is the case; I have seen a notice of it in the paper.

Sir John Wardlaw-Milne.

4541. The real point of my question, of course, originally was to find out whether you thought the safeguards would not be objected to, because of the tendency referred to, or whether you thought they were not necessary. I understand from you that your real answer is that they are necessary and will not be objected to, because of the very tendencies you have referred to?—I do not think they will be objected to, and they do give a certain paper guarantee to the Europeans in India, although I would say this on behalf of the Europeans there, that they do not fear attempts at discrimination, and, if discrimination were attempted, they are strong enough to meet it.

4542. One last question only, Sir John, and that is on paragraph 7 (c) of your Memorandum: you say: "In certain circumstances an Indian Minister might be in a much stronger position for dealing with disturbances, etc., than a British Minister of Council and a British Governor could be." Do you mean merely because he is an Indian, and have you in view the possibilities of his difficulties, having communal views, possibly?—(Sir John Thompson.) Yes, I have; but I have lived both in Ireland and in India, and I remember well when the campaign of assassination began in 1921 or 1920, I forget which it was, I was at home and every week there was a new murder. I remember feeling at the time that the only chance of stopping it was for the Government to announce that the next time an assassination occurred, they would take out of prison one or two of the men they had there in gaol, connected with the Sinn Fein movement, and put them up against the wall and shoot them as reprisals, but I said, "Of course, no British Government would ever allow that to be done," and, of course, they would not. Time passed on, and the Treaty was signed; Mr. Cosgrave was in power, and one of the first things he did was to put two men against the wall and shoot them, as reprisals. Now he could do that, where you could not do it; he could do that, because he would have the whole of his own Press, to start with, behind him. No one in England would do anything but smile and say, "That

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is the way these fellows do it in Ireland," and, of course, America would be entirely uninterested, whereas, if you had done it, you would have been marked with the brand of Cain in three continents.

Lord *Eustace Percy*.

4543. Sir John, you say in paragraph 6 that your Union is in favour of the transfer of responsibility at the Centre?—Yes.

4544. That would include transfer of responsibility for Law and Order in the Commissioners' Provinces, would it not?—It would, and it would not; that is to say the Chief Commissioner is a local government, and the extent to which he can be interfered with by the Government of India is actually laid down in the Statute.

4545. It is not laid down, is it, anywhere in the White Paper?—No, I do not think it is.

4546. But the White Paper does lay down that the Chief Commissioner in the exercise of any such executive power and authority as may be given to him will be directly subordinate to the Federal Government?—Yes.

4547. If I may ask you this question, Sir John, you have been Chief Commissioner at Delhi for some years. I suppose that in Delhi you have as much as anywhere in India the materials for communal disturbance?—Yes.

4548. And you also have a good deal of trouble from the Terrorist movement?—Yes.

4549. May I ask you whether you would feel any hesitation or doubt as to your relationship as Chief Commissioner of Delhi with a responsible Indian Minister at New Delhi?—It is very difficult to say exactly, because I do not quite know what position I should be in. I have always considered stupidly, perhaps, in my own mind, that I should be very much in the same position as a local government in Delhi as I have been in before; that is to say, that my position vis-à-vis the Home Member of the future would be very much what it was vis-à-vis the Home Member of the past; I mean, technically and legally. But you mean to say: Should I have any anxiety about my position?

4550. Would you, supposing you apprehended trouble, such trouble as would lead you at the present moment to consult with the Home Member, feel apprehensive that an Indian Minister would interfere with your control of that situa-

tion in a way that the Home Member at the present moment would not do?—I think he might, yes.

4551. I am putting these questions because they are rather crucial from the point of view of the whole problem of Law and Order. Would you ask for any special safeguard of your position, such as a right of direct access to the Viceroy?—I think so, certainly.

4552. Any other safeguard but that?—I do not think so, but then, I think, as the head of a Province, one would naturally have the right of direct access to the Viceroy.

4553. But would you, thinking of the similar position, although a much less independent position, of a Local Commissioner in a Province, think it was necessary that he should have direct access to the Governor in case of a difference of opinion with the Minister as to the handling of a situation of that kind?—I imagine that under the rules that are going to be made the position would be very much as it is at present. As I understand it, under the existing rules, certainly in the Punjab, a Commissioner cannot be overruled by a Minister without the matter going to the Governor.

4554. Then may I just ask one or two questions of Mr. Villiers on this financial point. Mr. Villiers, you suggested that the Reforms, having been passed by Parliament, should be laid before the Provinces, and they should be asked to consider whether they were prepared to bear the extra cost?—(Mr. Villiers.) Yes.

4555. What extra cost was in your mind, if I may go through certain Departments? Do you suggest that the existing Provincial Legislatures should be told that they must provide more money for Departments already transferred than they do at present, as a prerequisite to Provincial autonomy?—Provincial autonomy under these proposals, both as regards the enlarged franchise, the enlarged Legislatures, the second Chambers—which I look upon as an absolute *sine qua non* quite irrespective of cost—and various other matters are quite obviously going to involve a certain amount of expenditure.

4556. You say various other matters. Is it not a fact that the only extra expense involved in Provincial autonomy (I am not talking of the adequacy of Provincial Revenues for their present

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duties) will consist of an enlarged franchise, an enlarged Lower Chamber, and, under your proposals, an Upper Chamber?—Yes.

4557. Is there anything else?—Yes, I think it would be a prerequisite, that they should show their ability to balance their budget. They must not start off with a deficit budget.

4558. They would have to balance those anyhow. They could not continue indefinitely in a deficit position, even if you had no Provincial autonomy at all?—No, not indefinitely. I apprehend that under the new proposals the local Governments will be able to suggest means whereby they themselves can raise money which we have not in fact raised via various forms of taxation of their own people.

4559. You believe that Provincial autonomy in itself will release in the Provinces new forms of taxation which the present non-responsible Finance Minister cannot be expected to impose?—I think so.

4560. But so far as the cost of Provincial autonomy is concerned, the cost which would not have to be met anyway, even if you did not introduce any change in the constitution at all, practically comes down to the enlarged franchise and the enlarged Chambers?—Yes, that is right.

Sir Austen Chamberlain.

4561. Sir John, I want to get the position of your Union quite clear in my mind. Am I right in understanding from what you have said that the purpose of your Union was to give a general support to the policy embodied in the White Paper?—(Sir John Thompson.) That is so.

4562. And it is the common opinion of the members of your Union that it would be a great misfortune if, in substance, the policy of the White Paper were not adopted?—Exactly.

4563. Questions were put to you as to additional safeguards that you might desire and as to the opinions of the Union on different important details. Am I right in understanding that as far as you know, there is nothing in any differences of opinion that exist among you to qualify the general assent which you have expressed to the policy of the White Paper?—That is so.

4564. But you yourself cannot speak on behalf of the Union in regard to

these minor points because, owing to the circumstances in which you were called before us earlier than you expected and to the recent formation of your Union, the Union, as a whole, has not had opportunities of discussing together these points of detail?—That is so.

Lord Irwin.

4565. With relation to this list of names that you have been good enough to append to your Memorandum, would it be a proper question to ask you whether you knew of any ex-Members of the Indian Civil Service of about your own seniority who took a diametrically different view from your own?—Yes, I do know one or two. I think you have had one or two in evidence before you.

4566. Would it be possible to state on which side, in your judgment, the balance of Service opinion, again of about your seniority, of ex-members of the Service (we are concerned only with those) would be found to rest?—I think that this list of supporters, which is, of course, by no means, an exhaustive list (I think we have something like 400 supporters) is conclusive on that subject.

4567. Would that in your view represent a change of opinion in the Services?—As compared with what period.

4568. As compared with, say, 10 or 15 years ago?—Entirely. I think there are very few people here who would have supported the White Paper proposals 15 years ago. I should not.

4569. Perhaps none of us would 15 years ago, but we know what you mean?—Yes.

4570. If that change be a real change, to what, in your view, would that change be due?—I think to an appreciation of the changed conditions in India; experience of working with Indians to a much greater extent than we have done, and watching them in positions of responsibility and so on; and, of course, the appreciation of the enormous growth of political feeling in India.

4571. There is one question I wanted to ask you arising out of something that was asked you and to which you replied. I think the question was asked by Mr. Cadogan. It might have been raised earlier, but I was not able to be here. It is in relation to what you say in paragraph 4 (d) of your Memorandum?—Yes.

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4572. Would your feeling be that, although considerable opposition might be expressed in certain quarters to the White Paper, your expectation would be that, if something of that sort found its way on to the Statute Book, there would be enough forces pulling for the working of the Constitution to make even some of those who had previously expressed their opposition, prepared to work it?—That is so; that is our view.

4573. Rather, I suppose, if you developed it on the lines of what happened in history with the Swaraj Party with the Montagu-Chelmsford Reforms?—Yes.

4574. In other words, you would feel that some of the opposition at present might be due to misundertaking of the White Paper which, in working, would be corrected?—Yes; to failure to appreciate the White Paper, and I think also, possibly, the bargaining element.

4575. I have only one more question: With regard to the point put by Sir Reginald Craddock—the personal episode of Sir Geoffrey de Montmorency, which I think I also remember his mentioning to me as a personal bit of history, as well as to Sir Reginald Craddock: Would not I be correct in believing that that happened before the Montagu-Chelmsford Reforms were at least in full operation?—Exactly.

4576. And therefore, if an episode of that sort, causing no doubt legitimate anxiety, were possible, then the fact that it might be possible under any changed constitution would not of itself be conclusive?—No.

4577. And I suppose to some extent the risk of troubles so caused on the railways by disloyal operators, signallers, telegraph operators, and the like, would be to some extent met by the development of wireless, of which the military would find themselves in control?—Yes; and also, if I might add, by the great development of mechanical transport.

4578. I suppose it would be just, would it not, to say that on the constitutional side, having regard to the railway point, it would be possible for the Governor-General, under his special responsibilities, to intervene in order to protect a Department, namely, the Army we will say, for the administration of which he was responsible?—Yes.

4579. Therefore, the point in that connection on which the Committee would

have to satisfy itself would be that his power to intervene would be effective?—Yes.

Mr. Butler.

4580. In regard to your answer to the noble Marquess of Salisbury about the financial prerequisites of the new constitution, may I take it you broadly agree with the introduction of the White Paper, Paragraph 32—may I read the lines involved: “If financial, economic or political conditions were such as to render it impracticable to start the new Federal and Provincial Governments on a stable basis, it would, inevitably, be necessary to reconsider the position and determine in the light of the then circumstances what course should be pursued. If, unfortunately, such reconsideration became necessary, His Majesty’s Government are pledged to call into conference representatives of Indian opinion.” Does that broadly summarise your opinion about the financial prerequisites?—Exactly. We have always proceeded upon that assumption.

Viscount Burnham.

4581. May I put a question to Mr. Villiers in elucidation of the answers he gave to Lord Eustace Percy in regard to the provision of financial resources sufficient to allow the Provinces to carry out a satisfactory system of administration. In the Third Report of the Round Table Conference, at page 58, there is given the abstract of the Secretary of State’s statement at the Conference in December, 1932. At the end of the third paragraph it is stated: “A recent estimate of the position of the Central and Provincial Governments shows that the Central budget is likely to balance, but it will only balance as a result of new and heavy taxation. In the case of the Provinces there will be many budgets showing deficiencies at the end of the year and to-day no one can possibly say when these deficiencies will be wiped out.” I believe, to some extent, the situation has improved; I take it, not much. May I ask Mr. Villiers whether, when he talked of the Provinces being able to tap new sources of revenue, he was thinking of what he has stated in public to be his own opinion, that is to say, the inference with the Permanent Settlement in Bengal and elsewhere?—(Mr. Villiers.) I think to a certain extent that is so, yes.

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4582. Has he allowed for the opposition that that would have from the zamindars not only of Bengal but also, in all probability, of the greater part of India?—Certainly I have allowed for it.

4583. And you think that that can be overcome by argument?—I am certain of this, that whereas Indians themselves may have a chance of revising the Permanent Settlement, it is certainly entirely without the scope of a British Government.

4584. I agree. I do not want to press Sir John Thompson in regard to the wording of the Memorandum because I know it was drawn up under considerable pressure, but I should like to ask him, on paragraph 6, in discussing responsibility of the Centre, when it is laid down in (a) "responsibility should bring out the best qualities of politicians"—whether this was founded on any special case, say, that of China or any other?—(Sir John Thompson.) No. I think it was founded, to some extent, on our experience of English life and on our experience of the development of affairs in India since the introduction of partial responsibility under the Montagu-Chelmsford Reforms.

4585. Of municipal administration in India?—No; I was talking about the responsible administration of Ministers.

4586. When you say later that feeling should improve in consequence, with benefit to trade, that is a prophecy, but is there any foundation for it?—It seems to me that if you remove the cause of difference you remove the feeling of resentment at the difference very largely.

4587. You think that that will be operative under the circumstances of India?—I believe so.

Earl of Derby.

4588. In speaking of the special branch of the C.I.D., you mentioned that there was no secrecy in India and that therefore the members of the special branch would feel reluctant if any of the facts that they brought forward went to anybody except the Inspector-General?—I think that was Mr. Villiers' point. (Mr. Villiers.) I do not think I quite couched it in those terms, Lord Derby, or if I did, at all events, I should like to elucidate it to this extent, that I think there might be—I am certain there would be, in fact—a feeling that information on which the very lives of these people depended might leak out.

4589. And therefore you would prefer that any intelligence they brought forward should only go to the Inspector-General?—To the Inspector-General and from him, of course, to the Governor.

4590. Quite so. The Inspectors-General are now all European, are they not?—I am not sure if they all are now, but there certainly have been Indian Inspectors-General or an Indian Inspector-General.

4591. It would make no difference, in your opinion, whether the Inspector-General was a European or an Indian official?—That would depend entirely on the individual concerned.

4592. Yes; but in framing any new Constitution one is not always able to take in the character of the individuals who would have to work it?—(Sir Alfred Watson.) I would say that if an officer had shown sufficient efficiency in his service to rise to the post of Inspector-General of Police, he might be trusted to preserve confidence.

Earl of Derby.] That gives me the answer I wanted.

(The Witnesses are directed to withdraw.)

Ordered, That this Committee be adjourned to to-morrow at half-past Ten

DIE JOVIS, 6° JULII, 1933

Present:

Lord Archbishop of Canterbury.	Major Attlee.
Lord Chancellor	Mr. Butler.
Marquess of Salisbury.	Major Cadogan.
Marquess of Zetland.	Sir Austen Chamberlain.
Marquess of Linlithgow.	Mr. Cocks.
Marquess of Reading.	Sir Reginald Craddock.
Viscount Burnham.	Mr. Davidson.
Lord Ker (Marquess of Lothian).	Mr. Isaac Foot.
Lord Hardinge of Penshurst.	Sir Samuel Hoare.
Lord Irwin.	Mr. Morgan Jones.
Lord Snell.	Sir Joseph Nall.
Lord Rankeillour.	Lord Eustace Percy.
Lord Hutchison of Montrose.	Miss Pickford.
	Sir John Wardlaw-Milne.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Dahadur Sir Krishnama Chari.	Sir Manubhai N. Mehta.
Nawab Sir Liaquat Hayat-Khan.	Sir P. Pattani.
Sir Akbar Hydari.	Mr. Y. Thombare.
Sir Mirza M. Ismail.	

BRITISH INDIAN REPRESENTATIVES.

His Highness the Aga Khan.	Begum Shah Nawaz.
Sir C. P. Ramaswami Aiyar.	Sir A. P. Patro.
Dr. B. R. Ambedkar.	Sir Abdur Rahim.
Sir Hubert Carr.	Sir Tej Bahadur Sapru.
Mr. A. H. Ghuznavi.	Sir Phiroze Sethna.
Lt.-Col. Sir H. Gidney.	Dr. Shafa' at Ahmad Khan.
Sir Hari Singh Gour.	Sardar Buta Singh.
Mr. Rangaswami Iyenger.	Sir N. N. Sircar.
Mr. M. R. Jayaker.	Sir Purshotamdas Thakurdas.
Mr. N. M. Joshi.	Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Sir JOHN PERRONET THOMPSON, K.C.S.I., K.C.I.E., Sir ALFRED WATSON and Mr. EDWARD VILLIERS are again called in and further examined as follows:

Lord *Hardinge of Penshurst*.

4593. Sir John, I want to be quite clear on the subject of the C.I.D. and the Special Intelligence Branch, on which there were a good many questions put yesterday, but I am not quite clear. I understand that you are of opinion that the C.I.D. should be made over to the Minister of a province, but that the Special Intelligence Branch should be reserved to the Governor, and that the Inspector General of Police should have direct access to the Governor in matters connected with the Special Branch. Is that so?—(Sir John Thompson.) That is so, where there is a Special Branch for dealing with terrorism.

4594. Where would you limit that. Of course we know that there is terrorism in Bengal, but would not you say that there is also a certain amount of terrorism in Delhi?—Yes, but nothing like to the same extent.

4595. Of course not. How would you limit that. Would it not be better to say, in the instructions of the Governors, that this should apply to all the provinces rather than that it should be specialised solely for Bengal?—That is to say, that the Governor of every province would be given a discretion?

4596. Yes?—Yes.

4597. Reference was made yesterday to mass movements in the provinces—

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what are called political movements of the masses in the provinces?—Yes.

4598. According to information given to me when I was in India a little over two years ago, from more than one source, such movements like the Rent Movement in the United Provinces and other movements were due to Congress propaganda in the villages?—Yes.

4599. That if they got rid of the British Raj they would pay no more taxes. Have you got confirmation of that? It was told to me in more than one province?—That is a common feature, I think, of all agrarian agitations.

4600. Have the masses to whom I am alluding (I mean by that chiefly the villagers; the rural masses) ever been told in any way that to bring in some of these what you might call Congress schemes will mean that extra taxation will be necessary?—Not so far as I am aware. I do not know how it would be possible to get it through to them.

4601. I presume if the Congress can make propaganda other people can make propaganda too?—Yes, that is true, but Government propaganda has never been very successful.

Lord *Hutchison of Montrose*.

4602. I want to ask two questions on the question of Federation with special regard to the Princes. On page 8 of the introduction to the White Paper at the bottom of the page it lays down a condition which the Government suggest must be carried out before a Federation could be formed, that is, that the Rulers of States representing not less than half the aggregate population of the Indian States must signify their intention of coming in. Does that condition meet with your approval?—It is a matter on which I have no authority to express the views of our Council, because it is not a matter that has been definitely before them, but my own personal view is that 50 per cent. (calculated on the basis here indicated) is rather a low limit. I should have liked myself to see it higher, but, at the same time, I think that in practice the difficulty will not arise, that is to say, if we get the minimum we shall get a great deal more than the minimum. People will follow the big States.

4603. The second point is: In your Memorandum, paragraph 5, you say: "as far as possible they should transfer uniform blocks of powers." Could you elucidate that a little?—There are about

50 Federal subjects, and several of them have several subheads, and there are a very large number of States, and one does not want to have a very large number of varieties of powers transferred. One does not want to have one State transferring powers in regard to 10 Federal subjects and another State in regard to five, and another State in regard to 15; and similarly, in regard to each subject, it is desirable to have a uniform block of powers transferred.

4604. In fact, you would like some form of words to bring in the largest number on a common basis?—Yes.

Mr. *Cocks*.

4605. Sir John Thompson, you speak in paragraph 4 of the grave risks involved in an over-cautious policy?—Yes.

4606. I take it then that you consider it would be less risky to go forward with a bold and generous policy instead of a cautious one?—Yes.

4607. A little further down you say it is the best policy to go up to the limits contemplated by the White Paper. Does that mean that you consider that the White Paper represents the minimum that should be granted to India?—No, I do not say that, necessarily, but what I say is that that is the standard with which everybody has become familiarised, and that far the most satisfactory way of producing these good results is to give up to what the White Paper suggests.

4608. Do you think it would be possible, without taking unjustifiable risks, to go even further in some respects than the White Paper?—I am very doubtful, at the present time.

4609. In one way, say, either in the direction of extending the franchise or giving powers to the Indians without so many safeguards?—As regards the franchise it is largely a question of what the Franchise Committee call the limits of manageability, and on that subject I think probably the local Governments are the best judges. As regards safeguards, I do not know that there is any safeguard provided in the White Paper which we consider could safely be dispensed with.

4610. In paragraph 7, sub-paragraph (a) you mention this: "With Indian Ministers, responsible to the Indian legislatures, in charge of 'law and order' the anti-foreign motive should be to some extent eliminated." But do you think the special branch dealing with the

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Terrorist Movement in Bengal should not be so dealt with? I understand you to say that?—Yes.

4611. There is one great objection to handing it over, that the agents and informers would not like their names to be known to an Indian Minister; in fact, it would be fatal for their names to be known to an Indian Minister?—That is putting it very mildly.

4612. Would not that be overcome to some extent if the Minister never saw the names; if he saw the report, but the names were simply indicated by a number or something of that sort?—I do not think so, because anyone who is familiar with the circumstances reported, which are only known to a limited number of men, must, by a process of elimination, be able to arrive at the identity of the informer.

4613. If an Indian Minister were placed in charge of this special branch he would immediately become the target of the terrorist attack, would he not?—That is quite conceivable.

4614. Would not that make him exceedingly active in putting down the terrorist movement?—It is just a question with regard to the informers, who naturally are a very suspicious class, very anxious about themselves, but willing to take very considerable risks. What they feel, I think, and what I should feel, in similar circumstances, is that I would not know where certain reports were going to if they were going to pass through the hands of an office. As things are at present they know practically exactly the number of hands through which a thing will pass. If you extend that, you increase enormously the risk of information getting out. Secrecy depends very largely on the number of people who share the secret.

4615. You rather misunderstood my last question; it is my fault. My point was, if an Indian Minister were placed in charge, he would be exceedingly active in putting down the Terrorist Movement, would he not, seeing that he would be the target of the attack?—That is a psychological question which is very difficult to judge. It is possible it might work in two ways.

4616. Do you think it would be possible to divide the C.I.D. into two parts, under two authorities, seeing that the same officers very often are required for dealing with special political crimes and with ordinary crime?—I do not think

it would be possible to divide the office into two parts in quite the way you mean. I think that stresses the thing too much. It would be just that certain papers would not be dealt with by the Minister but by the Governor.

4617. You think it is quite practicable from an administrative point of view to divide the two things?—I do.

4618. I would like to ask Sir John, or Sir Alfred Watson, whether you can tell us a little more about the Terrorist Movement itself? For example, what is its objective, and what kind of people become attached to it?—I think, if I may, I will ask Sir Alfred Watson to answer that question. (Sir Alfred Watson.) The objective of the Terrorist Movement is the breakdown of the present system of rule in India.

4619. What kind of person belongs to it? Is it the students? Is it the intellectual class?—They are generally intellectual young men, largely the products of the Universities, many of them young men who, having attained their degrees, find no means of livelihood in India and drift into a state of despair in which they are ready for any escape from the condition in which they find themselves.

4620. When you say that their object is the breakdown of the present system, do you mean the breakdown of the British rule or the breakdown of the economic system?—The breakdown of the British rule. It is a wildly sentimental movement against a form of rule which they think has not done them justice in their lives.

4621. With the granting of responsible government to India, do you think that movement will be eliminated?—I do not think it will be immediately eliminated, but the target will be changed: the target will no longer be the white officers of the Government, but the brown officers—I use the word with no offence.

4622. You mean the Indian administration. We have been told, Sir Alfred, that there is a good deal of sympathy with the Terrorist Movement amongst the educated classes in Bengal and with certain bodies, such as the Corporation of Calcutta. Do you agree with that in the first place?—I agree with that; yes.

4623. If this movement continues after the granting of responsible government, will not that sympathy with the movement on the part of the intellectual classes in these bodies be weakened to a

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very great extent?—As the movement will probably turn against these intellectual classes who are then in power, I should imagine there would be very little sympathy with it.

4624. That would gradually lead to the under-mining of the foundations of the movement itself?—That is the case with every terrorist movement in every country where there has been a revolutionary outbreak.

Major Attlee.

4625. Sir John, we have heard a good deal about the importance of administration in India as contrasted with politics. Would you say that administration was possible if it were subjected to continual criticism by all or the great bulk of the educated classes?—(Sir John Thompson.) It makes it extraordinarily difficult.

4626. Would you say that nationalist opinion extended to the Indian officers under Government, of various grades?—One does not like expressing an opinion on the views of serving officers, but I should say that in so far as the Indian officers of Government are Indians of high education, they naturally share these aspirations.

4627. In what way would it be more difficult to deal with strikes and so forth on the railways under the system proposed in the White Paper than under the present system?—I do not know that I could say that it would be more difficult in any way.

4628. We had a point put with regard to the deterioration of local self-government. Do you remember that the Simon Commission attributed that to a large extent to a misapprehension of the essential elements of English local government?—Yes, I remember they made a very strong point of that.

4629. Do you agree with that?—Yes, I do.

4630. I want to ask you a question with regard to what you say with regard to the Supreme Court, about which you have a note in your Memorandum. Have you any views with regard to a Federal Court?—A Federal Court will, of course, be another very considerable expense, and my own feeling and the feeling of some other members of our organisation is that at any rate at first, until one knows how much work a Federal Court would be likely to have, you should take power to constitute a Federal Court *ad hoc* when required by merely appointing, say, three Judges from the High Courts

to it to decide particular cases, and, later on, if it was found that there was in fact ample work to keep them occupied all the year round, then would be the time to consider whether it was necessary to appoint a permanent Court.

4631. Would that be possible? Would you then get the necessary Bar for that Court?—I think so. Of course what would happen would be that distinguished lawyers from different parts of India would be briefed to appear in these particular cases.

4632. I want to ask you one point with regard to the time factor. Do you think the timing of these reforms, that is to say, as to whether they come in this year, or next year, or some years hence, is of great importance?—I think that the time factor is one of importance. At the same time there may be counter-vailing factors which have to be taken into account, too, the financial factor in particular.

Marquess of Salisbury.] What do you mean by the time factor, may I ask; or what does my honourable friend mean by it?

Major Attlee.] I mean the effect on the reception of the reforms by the Indian people as to whether they come soon or whether they are delayed.

Marquess of Salisbury.] What do you say, Sir John? You think it is important?—I do think it is important, but, at the same time, I would not rush these reforms through in face of conclusive evidence that there was not enough money to run them to start with.

Major Attlee.

4633. Would you agree that in looking at the financial position of India you must have some regard to relativity and to the general state of the world. India must not necessarily pass a higher test than any other country can pass at the present time?—No, I do not think it would be necessary to apply a higher test to India than you would apply to other countries. But I am not sure whether that was your meaning.

4634. Take, for instance, the question of the sinking fund. We have suspended our sinking fund for a year?—Yes.

4635. India I gather has paid it continuously since the War. Therefore, the mere fact that you had to suspend the sinking fund for one year or two years would not be fatal, would it?—I think the whole question would have to be viewed in a broad spirit.

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4636. One final question: How do you estimate the risks between going forward and not going forward? Which do you regard as the greater risk?—The risk of not going forward, undoubtedly.

Sir N. N. Sircar.

4637. May I put this question to Mr. Villiers. At the present moment the Government Secretary in charge of the special branch at Calcutta is an Indian—Mr. Roy?—(Mr. Villiers.) Yes.

4638. Am I right in understanding you to say that the informer, while he has confidence and he knows that his information will be in the keeping of a high police official, will not have the same confidence if he knows that the matter is going to a Minister?—That is correct.

4639. It is not so much a question of the Indian or European, but a question whether he is trusting the high official of a Department or whether the matter is going to a Minister?—Precisely.

4640. I know that since 1921 you have been in very active touch with Indian politicians?—I have.

4641. You have very frequently discussed matters with the Indians, including men belonging to the Congress Party?—Yes; I had long talks with men like the late Mr. C. R. Das, and so on.

4642. I am assuming also you would know a good deal about the terrorist movement?—I have a certain working knowledge of it; yes.

4643. Am I right in saying that, judging by the members of the movement who have been captured from time to time by these officials, their view is probably this, that the present condition of difficulties is due to a foreign rule and therefore foreign rule must be cut off altogether?—So far as it is due to any reasoning thought at all, it is definitely due to that. In a great measure these boys are caught while they are absolute youngsters, and their emotions are worked on until they get into a state of hysteria over a matter which is right beyond the scope of reasoning at all, but, so far as reasoning comes in at all, you are correct in your statement.

4644. May I take it that these Terrorists all come from the Hindu community?—That is so.

4645. When I say Hindu, I mean Hindu as opposed to the Depressed Classes?—Quite so.

4646. Do you think that if the Bengal Hindu would come to the Legislature,

and try to work out his salvation through it, that would result in weaning sympathisers of Terrorists, and isolate the Terrorists?—I think in time that will undoubtedly be the tendency, but I think it will take time.

4647. May I take it that it follows that if the Bengal Hindus feel that they have a legitimate grievance, and they keep away from the Legislature, knowing their position, and so on, it will really help disturbance and the Terrorist movement in Bengal?—Any feeling of legitimate grievance on the part of any community would have that effect, so far as that community is concerned.

4648. If it is legitimate?—If it is legitimate.

4649. Did you find in Bengal a general feeling of nervousness about the large expansion of the electorate?—Yes.

4650. Will you just tell me this: Supposing the idea of the Government of Bengal is accepted, and the number is reduced from 250 to 200, it will mean an increase of, say, 15 to 20 per cent. in the area of the constituencies, but even then those constituencies will be very much less in area than the constituencies for the Central Legislative Council?—I am not quite clear what the question is.

4651. The question is this: Supposing, instead of 250 we get 200 members of the Bengal Council in the Bengal Legislature, that would mean an increase in the areas of, roughly, 20 per cent.?—Yes.

4652. This increased area will be very much less than the area of the constituencies for the Central Legislature?—Personally, I do not think an increase such as that would make any material difference.

4653. Why not?—For two reasons; partly because the constituencies are so large already that I think an enlargement to that extent would not make any very great difference; and, secondly, because the people, I think, in India as in other places will not cast their vote on politics but on personalities and parties.

4654. If I may say so, Mr. Villiers, I entirely agree, and I put to you this final question: Supposing the number is limited to 200, knowing Bengal as you do, and the different interests, will there be any difficulty in getting fair and adequate representation for all the communities, the number being 200?—I do not think there would be any material added difficulty.

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Sir A. P. Patro.

4655. Sir Alfred, you have been dealing in this statement a good deal with the financial position under the new Reforms. We heard yesterday Mr. Villiers say that these proposals in the White Paper may be worked out and may be passed finally by Parliament, and the implementing of this may be considered if the financial position of the country is quite sound for carrying out these Reforms. What is your view with regard to the financial position?—(Sir Alfred Watson.) Among the virtues of democratic Governments, cheapness is not one, and I do not think that India can expect to attain a new Constitution in the "bargain basement," as it were. I think it probable that the cost of the new form of Government will be considerably larger than that now in existence, although the additional cost will not be so great as has been represented; but I believe that if India wants a new Constitution, she can, without difficulty, find the whole of the money necessary. If at a future stage you should want a scheme for that purpose, I should be glad to offer it to you.

Lord Eustace Percy.] May we take advantage of that last answer, my Lord Chairman?

Sir A. P. Patro.

4656. Do you then propose that there should be fresh taxation in order to raise the finances to meet the new scheme?—I do not propose fresh taxation, but I imagine that India would have to propose fresh taxation. India, at the present moment is a very lightly taxed country, one of the most lightly taxed in the world. You, Sir A. P. Patro, are frequently putting up the example of Japan which, as you know, dominates Eastern thought. Japan is taxing its people to the extent of 20 per cent. of the national income; India, 6 to 7 per cent. There is an enormous margin there for giving not only self-government to India, but for the development of the country, which is its most essential need.

4657. But you have said that the Indian cultivator is already so heavily taxed that it is impossible that anything more could be added to what he is paying now?—If you challenge me on that point, Sir A. P. Patro, I would say that if you reduce the interest which the Indian cultivator pays to the Bania, you will have an ample margin of taxation.

The Bania in India is receiving four times the amount that is raised in National Revenue.

Lord Eustace Percy.

4658. Provincial and Central Revenue, do you mean?—Provincial and Central Revenue.

Dr. Ambedkar.

4659. Just one question, Sir John Thompson. Yesterday you raised a question regarding making some provision for safeguarding the financial position of the Provinces, and, by way of illustration, you mentioned that under the present circumstances the water rate, which provides a very large part of the Provincial Revenue, is liable to be changed by Executive order—I think that is what you said yesterday?—(Sir John Thompson.) Yes.

4660. Is it not a fact that for a long time the Indians have been agitating that all this taxation which is raised by mere Executive order—and, as you know the Land Revenue is also raised by Executive order—should not be raised any further hereafter by Executive order, but should be raised by legislative enactments?—Certainly there has been an agitation to that effect, as regards Land Revenue. I am not quite sure how far that goes in regard to the Irrigation rates.

Sir Tej Bahadur Sapru.

4661. May I point out that in point of fact Land Revenue is not raised by Executive Order. What he is probably thinking of is that Land Revenue settlements are effected by Executive Order?—Yes.

Dr. Ambedkar.

4662. Yes; and a recommendation was made that all these finances which are raised by Executive Order should no longer be raised by Executive Order but by legislation?—I do not know that.

Dr. Ambedkar.] That has not been carried into effect.

Sir H. Gidney.

4663. I just want to ask Mr. Villiers a question or two. You have been a long time in Calcutta, Mr. Villiers, and during that time you have been President of the European Association?—(Mr. Villiers.) I have.

4664. And I think you have come into intimate contact with the domiciled community of Calcutta?—I have.

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4665. Have you any views as to the services they have rendered there in respect of Law and Order?—Both their services and their loyalty to the Services of the Crown have been unexceptional. Their services, certainly in the Police, have been very substantial, as too, of course, in the Railways and Telegraphs, and Customs.

4666. Would I be correct if I said that the amount of unemployment amongst this community is very large in Calcutta to-day?—Terribly so.

4667. Would I be right in saying it is a very tragic state in the community?—It is, indeed.

4668. And you realise that they are depending to-day upon charitable soup kitchens, and so on, for their living?—Yes, I am told so.

4669. Do you think that is the result of Indianization of the Services?—Yes, only in part.

4670. In other words, they have been deprived of employment in the Services?—That has contributed to it.

4671. Do you think that the present safeguards regarding the Services for the community in the appointments that they hold, are adequate, or would you give the Committee any idea of any suggestion as to safeguards?—They have got, of course, Statutory protection, I understand, or rather they are hoping to get it, so far as their education is concerned. I think it would be very definitely an added stabilising factor in the Services, if their future could be assured in the Police and the Railways, and so on.

4672. And the Customs?—And the Customs.

4673. And the Telegraphs?—And the Telegraphs.

4674. And your Society would support such a thing?—I am not in a position to say that; I, personally, would support it. I think they are a great factor in the situation.

Sir Tej Bahadur Sapru.

4675. I should like to put just a few questions to Sir John Thompson. Sir John, you were Chief Secretary in the Punjab Government in the time of Sir Michael O'Dwyer?—(Sir John Thompson.) I was.

4676. And you stayed in the Punjab after the introduction of the Montagu-Chelmsford Reforms?—No.

4677. Where did you go?—I went into the Foreign and Political Department.

4678. Now with your experience of the Foreign and Political Department of the Government of India and with your knowledge of the scheme of Federation outlined in the White Paper, and taking all the strong points and the weak points together, do you think that it is a workable proposition, or that it is not a workable proposition?—I think it is a workable proposition. I think there are many great difficulties about it.

4679. It has been said that no Constitutional lawyer in England approves of it; he looks upon the whole of the scheme as a monstrosity. I am not putting it to you as a lawyer, but as a practical administrator having had experience of the working of the Political Department. Do you subscribe as a practical man to that proposition?—No, I do not.

4680. Now, Sir John Thompson, you have furnished a list of the various gentlemen who are members of your Council, and of your supporters; I find there the name of Sir Geoffrey De Montmorency, among the members of your General Council?—Yes, that is so.

4681. Sir Geoffrey De Montmorency is a Governor who has had considerable experience of the Punjab?—None more.

4682. And he retired only very recently—within the last two or three months?—That is so; he left India in March, I think.

4683. Am I right in inferring that he generally subscribed to the views that you have expressed here?—Yes.

Marquess of Reading.

4684. May I just add one question? In addition to his experience in the Punjab, Sir Geoffrey had also considerable experience of the working of the administration of the Indian Government over a period of years?—Yes.

Sir Tej Bahadur Sapru.

4685. May I be more direct? Was he, or was he not, the Private Secretary of Lord Reading?—He was, for about four years.

4686. And the Private Secretary of the Viceroy in India, probably, has got more inside knowledge of the working of the administration than many other people have?—Especially the administration of the Government of India. There is just one point I have got to correct you upon, Sir Tej. You said that Sir Geoffrey De Montmorency subscribed to everything

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that we have said here. As I have explained in the Memorandum, what our Council subscribe to is what is stated in the Memorandum.

4687. I am only asking whether he generally agrees with the point of view that you have represented?—Yes, that is true.

4688. Now may I draw your attention to another name in your Council, Sir Elliot Colvin?—Yes.

4689. He was a very distinguished Officer in the Political Department?—Yes, he was.

4690. He was Agent to the Governor-General in Rajputana?—Yes.

4691. And had considerable experience in the Rajputana States?—Yes.

4692. Am I entitled to assume that he also looks upon the Federation as a practical proposition?—I have a letter from Sir Elliot Colvin here in which he says that he holds that Federation is the pivot of the whole scheme.

4693. That is his opinion?—Yes.

4694. Now may I draw your attention to another name, Sir Laurie Hammond, Governor of Assam, who retired very recently, in 1932. Am I entitled to assume that he also reflects generally your point of view?—Yes.

4695. I am not asking about any details?—He is in agreement with this.

4696. And the same probably is true of Sir Ernest Hotson, who was Acting-Governor of Bombay?—Yes.

4697. And also of Sir John Kerr, who was Governor of Assam and Bengal?—Yes, all of those people.

4698. Now I wish particularly to draw your attention to one name, and that is Sir William Vincent, at the bottom of the page. Sir William Vincent was a very distinguished member of the Executive Council during the time of Lord Reading?—Yes.

4699. And he was there at the start of the Montagu-Chelmsford Reforms?—Yes.

4700. After that he became a member of the Council of India?—Yes.

4701. Am I right in assuming that Sir William Vincent also holds the same point of view?—Yes.

4702. Now will you please answer one question about yourself. I believe you were associated at a very early stage with the evolution of the Montagu-Chelmsford Reforms in India?—I was a colleague of yours on the Southborough Reforms Committee.

4703. And you worked on that Committee for about five or six months?—I forget what it was.

4704. And that Committee was charged with the question of the division of functions?—Yes.

4705. And the settlement of the transferred and the Reserved Departments?—Yes.

4706. Now as one interested in that, I suppose you have very carefully watched the working of the Constitution as it is in India during the last 10 or 12 years?—Naturally I have not been closely in touch with developments in distant Provinces.

4707. But, generally speaking?—Generally speaking, yes.

4708. Generally speaking, as a Governor of the Government of India, and as one having considerable experience, what is the impression that you have formed of the working of the Constitution in the Provinces and at the Centre?—As regards the Provinces, of course, if you judge it by the maximum success that has been attained in Madras and the Punjab, I think the Reforms have been quite as successful as could have been hoped for. In some Provinces, of course, they have not been anything like so successful. In the Government of India the situation, in some respects, I do not consider as satisfactory as it was; I mean to say, there has been more friction, more feeling in the country, higher aspirations, and all that sort of thing, which have increased difficulties.

Sir A. P. Patro.

4709. Mostly financial also?—Financial also.

Sir Tej Bahadur Sapru.

4710. You have been a member of the Legislative Assembly?—No. I was a member of the old Indian Legislative Council, and I have been a member of the Council of State for 10 years.

4711. So you have some experience of one branch of the Legislature?—Yes.

4712. Do you consider it, from your experience of India generally, desirable that there should be a very large and overwhelming elected majority of members—six or seven members of the Executive Council who are not responsible to the Legislature but responsible to another authority?—It creates a very unsatisfactory position.

4713. I put it to you whether you have not known cases in which the Government

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of India has had to accept compromises in regard to certain important decisions because it wanted to carry the Legislature to a certain length which it would not have, if it had had a party to fall back upon?—I am sure that that is so, but I do not know that I can give you special instances, because I am not sufficiently familiar with the details to commit myself to the particular cases to which, I think, what you say applies.

Mr. M. R. Jayaker.

4714. I gather, Mr. Villiers, that you have experience of the Provincial Legislatures?—(Mr. Villiers.) A certain experience, yes.

4715. Do you share the view that, speaking generally, the whole of the Indian responsibility which has been given to Indians, limited as it was, under the Montagu-Chelmsford Reforms, has been worked well by them?—Speaking generally, and in view of the great difficulties that they have been up against, I think it has worked reasonably well.

4716. Do you share the view, or rather the fears, which have been expressed in certain quarters that if more responsibility were given to Indians they would utilise it for the purpose of carrying on the game of Governor baiting?—No, I think that would be the one thing that would tend to destroy that.

4717. You do not share that fear?—I do not.

4718. Do you think they will utilise it more for constructive work?—I think so.

4719. Coming down to one more question, in paragraph 4 of your Memorandum you refer to the cautious attitude of the Government in matters of social reform?—Yes, exactly.

4720. You do not mean by social reform very expensive schemes, but you include in that term the adjustment of many grievances like Women's Rights, Inheritance, and other things?—Precisely.

4721. You do not use the words "social reforms" to indicate very large and expensive schemes like housing the poor, or anything of that kind?—I take it in the future that Indians will more and more pay attention to that side of social reform, but what I think we had chiefly in mind was the point Sir John Thompson brought out yesterday, the various social reforms which, owing to their being so closely allied with religious questions, we have been unable to touch upon.

4722. Do you share the view which many Indians have that the Government constituted as they are at the present moment have to be and have been cautious in dealing with social questions because they are inextricably mixed up with religious matters?—Certainly.

4723. And you think an Indian Government will be more bold in that?—Yes.

4724. Because they will be able to distinguish what is religion and what is not religion?—I think so.

4725. Do you share the view that of late the Government of India have been extremely over-cautious in matters of social reform?—No, I do not think particularly of late. I think the Government of India have pursued the policy of caution which they have laid down throughout.

4726. Do you think if the Government of India were mainly Indian in sentiment and personnel they would be more bold?—Undoubtedly.

Mr. Rangaswami Iyenger.

4727. Just a question, Sir John Thompson, on this question of terrorism and Ministers. I want to put it to you, Sir John, whether you would not put something in the proposals of the White Paper to induce Indian Ministers to deal with and face terrorism rather than to exclude them altogether?—(Sir John Thompson.) You mean some definite provision?

4728. Yes, provisions in which they shall not be treated as being utterly beyond the pale, but so that they can get to the position of being wholly responsible for law and order?—That is true, but we feel there are great difficulties in the way of doing that.

4729. You would encourage them to face it themselves?—Yes, we would do everything we can.

4730. You were talking of Indian officials naturally sympathising with Indian national aspirations? What is your experience of the efficiency and integrity of Indian officials along with their British colleagues. What is your general experience of Indian officials?—You mean in the Departments where they have British colleagues; that is to say, practically in the Civil Service, and the engineers, and so on?

4731. Yes, where they have held high appointments?—As regards efficiency, naturally in certain Departments I am not in a position to express an opinion—

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the Technical Departments. As regards the Civil Service there have been some Indian men of extraordinary capacity. I have heard the opinion given that a certain number of Indians who have been admitted to the Indian Civil Service were not satisfactory; that they were really no better than the Provincial Civil Service men, and they happened to have a little more enterprise and a little more money which had enabled them to go into the Indian Civil Service; but my own experience of Indian officials in the Indian Civil Service and the Police has been quite satisfactory.

Sir *Phiroze Sethna*.

4732. Sir John Thompson, to your Memorandum you attach a list giving 19 names of those who form your Council, and 68 whom you call supporters of the Union of Britain and India?—Yes.

4733. Sir Tej Saprú has asked you with regard to a few of them. I find that a very large proportion of these gentlemen have returned to this country only within the last 10 years?—Yes.

4734. And almost half only within the last five years. Would not it follow, therefore, in your opinion, that these gentlemen are far better conversant with the situation existing at the present moment in India, and how best to meet the same as compared with those who returned here prior to when the Montagu-Chelmsford reforms came into existence?—We feel that that would naturally follow.

Sir *Hari Singh Gour*.

4735. It has been put to you that the unrest in India, like the No-rent Campaign, and so on, were based on the false hopes given by the Congress people that there would be a remission of all taxation. Do you remember the agitation in England about three acres and a cow?—I remember the phrase; I do not remember that it was ever an agitation.

4736. Are the political agitations in India any different from political agitations anywhere else in the world?—I do not know that hopes were held out that each individual citizen would acquire three acres and a cow.

4737. It is a feature of all political agitations that hopes are held out to the proletariat?—That false hopes are held out.

4738. And India is no exception to the rule?—No.

4739. It has been put to you that people in this country regard this White Paper constitution as a monstrosity. Is a monstrosity a thing unheard of and uncommon?—I should not like to answer that question offhand.

4740. If the Constitution followed the form of no other Constitution in the world it can be treated as a monstrosity in that sense?—Yes, in that sense.

4741. That it followed no constitution in any other part of the world?—Yes.

4742. Is it not the fact that unemployment among what are called the Bhadra logs, or the educated Indian middle class, is as severe as in the case of the Anglo-Indians?—(Mr. Villiers.) Yes, the unemployment is as severe, but, owing to the Hindu joint family system, the unemployment bears less hardly on many Indians than it does on many Anglo-Indians.

4743. Is it not the fact that the Anglo-Indians make it a grievance that hitherto they have been occupying what may be regarded as privileged or protected positions in certain Departments, and with the development of institutions in the country they are faced with wider competition on the part of Indians and others?—I think they recognise that, but in justice to themselves, and to be fair, they also feel that they are a specific minority community which, within reason, has a right to look for adequate protection.

4744. But you are not in favour of giving them the sheltered position they have been occupying hitherto?—I have not given that matter my consideration, but I do think that the Anglo-Indian community is one of very great utility to the State.

4745. I would ask one question of Sir Alfred Watson, if he will permit me? The question is that the Terrorist Movement in Bengal you have said is primarily a sentimental movement intended for the purpose of bringing about a change in the Government from an autocratic to a democratic form of government. Is not that so?—(Sir Alfred Watson.) No, I certainly said nothing of the kind.

4746. What did you say?—I said that it was a movement aimed at the present Government, and would probably continue as a movement aimed at a future Government.

4747. Have the Terrorist Movement got any distinct objective?—I was one of the objectives.

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4748. I meant any wider objective. What is the object of throwing out the present Government? Would it be replaced by a form of government of which you have any conception?—I am afraid I am not sufficiently in their confidence to know what their future ideas are. Their present idea is to break down the present form of Government in India.

4749. Do you think the S.B. and the C.I.D. Departments can be worked in two watertight compartments?—Yes, I think so. I would like to add this. Lord Hardinge asked a question about the C.I.D. and the Special Branch and pointed out that at present it existed only in Bengal and did not exist in other Provinces where there was a certain amount of terrorism. Our proposal would be that wherever a subversive movement grew to such proportions that it had to be dealt with by a Special Branch of the Police, that Special Branch should come directly under the control of the Governor of the Province.

4750. And not all special branches anywhere?—Yes; wherever a special branch has to be created it should be under the direction of the Governor.

Mr. A. H. Ghuznavi.

4751. Mr. Villiers, a terrorist paid a visit to you in your office in Calcutta, did he not?—(Mr. Villiers.) Yes.

4752. He dressed himself as a Mussulman?—Yes.

4753. Terrorists are also communists?—I expect many of them are, yes.

4754. Their ideal is not an ordered government, but a communistic republic: that is their ideal. That is what they want?—Are you asking me that as a question?

4755. Yes?—I beg your pardon. I had already replied what I thought their objective was, so far as they had any conscious, logical objective at all: It was to destroy, first of all, any connection whatsoever, I think, with any government that directly or indirectly was allied with Great Britain.

Chairman.] I hope we may avoid duplication of questions and waste of time. That is quite clearly on the Notes already.

Mr. A. H. Ghuznavi.

4756. You were a Member of the Bengal Legislative Council?—Yes.

4757. For how many years?—Three or four.

4758. Is it not a fact that for the first three years of the life of the Council, under the Montagu-Chelmsford schemes, dyarchy functioned successfully in Bengal?—It certainly did not fail. It functioned with varying success.

4759. Is it not a fact that the success of the Swarajises in the Bengal Legislative Council and the spread of discontent in the Province were due to the fact that the nation-building departments were starved and that, owing to lack of funds, the Ministers in charge of these Departments were not supplied with adequate money to administer them properly?—That was partly the cause—a contributory one.

Mr. A. H. Ghuznavi.] Is it not a fact that the Intelligence Branch of the Police, or as it is sometimes called, the Special Branch of the Police, deals only with terrorist activities, whereas the C.I.D. deal only with the day to day crimes which require investigation?—

Chairman.] Mr. Ghuznavi, I think that point has been made abundantly by this Witness, amongst others. Would you please put a question that has not already been put?

Mr. A. H. Ghuznavi.] Thank you. I have no more questions.

Dr. Shafa'at Ahmad Khan.

4760. I was not quite clear about your statement regarding the financial stability of the Provinces. Would you kindly let me know whether you regard the power to be given to the Governor of maintaining the financial stability of the Province to be absolutely essential, or to be a pre-requisite to any Constitutional advance?—I did not quite catch the question.

4761. I think you said yesterday that you insisted on giving the Governor power to safeguard the financial stability?—No, I did not say that.

4762. Somebody said that?—(Sir John Thompson.) I said it was a suggestion that had been made.

4763. I suppose you adhere to that?—What I said was that it was a suggestion which had been made to us by our supporters.

4764. Your Union does not subscribe to it as such?—Our Union has not considered that point. It is a point of detail which we have not considered.

4765. May I ask what your policy is regarding the introduction of reforms in the Provinces? Do you think it should

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be introduced piecemeal in certain Provinces and left out in other Provinces? I think I gather from your statement yesterday that you insisted on each Province having a budget which would balance, and if a Province could not show this, then that Province was not ready for the introduction of reforms?—(Mr. Villiers.) Yes; I gave that reply.

4766. Do you still adhere to that reply?—Yes.

4767. Do not you think that the real reason why the Provinces are not able to make any headway in the transferred Departments is that the Meston Settlement had given a comparatively large amount of revenue to the Central Government, and in the Report of the Reforms Inquiry Committee of 1924, to which the Simon Commission drew attention, it was admitted that the Meston Settlement was one of the most important causes of the comparative failure of the reforms in certain Provinces?—No, that certainly does not hold good as far as Bengal is concerned or many of the other Provinces because, certainly towards the later years the Meston Settlement was remitted; therefore, that only appeared in theory and not in fact.

4768. The Report of the Reforms Inquiry Committee was published in 1924. I am talking of the period between 1921 and 1924. Do you subscribe to that view?—To which view exactly?

4769. The arrangement that had been arrived at in 1920 through the Meston Settlement gave the Income Tax to the Central Government, and the Provinces could make no headway at all in the transferred departments because they had only inelastic sources of revenue. In 1924 when the Reforms Inquiry Committee investigated working of reforms in the Provinces I gave evidence before it, and Minister after Minister from different Provinces said that the real reason why the reforms had not been proceeded with was that the Meston Settlement had prevented it. I am asking whether the rearrangement of the sources of revenue between the Provinces and the Central Government would not go far towards removing that objection towards the introduction of responsibility in the Provinces?—Obviously, the more money that can be spared for the Provinces and the more regular and balanced you can make the finances of the Provinces, the greater chance will the new Constitution in the Provinces have of success.

4770. You agree with that?—It is only another way of saying what I said yesterday, that the shortage of money in the transferred departments militated against their success.

4771. Do not you think the shortage of money may be due to the defective distribution of sources of revenue between the Provinces and the Centre? That is my point?—That is so academic that I have not considered it. The point is that there was the shortage.

4772. The point is not academic because, for the last three years, we have been engaged in discussing this question, and I want to know what you think of the arrangement arrived at in the Federal Finance Committee. Have you studied it?—Yes, I have studied it.

4773. What do you think of it?—Broadly speaking, I think this: Money has got to be found for the Federation, and, equally, money has got to be found for the Provincial Constitution. It is an absolute *sine qua non* that they should have money to run the machinery of the new Governments, and it is for the financial experts to say how that money is to be raised, and how the allocations are to take place. I can only stand by the broad principle that money is needed for both. It is no good giving money to the Provinces without giving it to the Federation; the Federation is an integral part of the whole scheme.

Mr. Zafulla Khan.

4774. With your permission, my Lord Chairman, I will put only one or two questions. Sir John Thompson, you gave as an illustration of the adherence of some of your supporters with regard to the financial arrangements in the Province, the question of Irrigation rates. I really want to put to you this: Do you think it would meet the apprehensions that those of your supporters would have if, by some Constitutional arrangement, the result was achieved that apart from the actual assessment of each individual occupier, the change in rates and such taxes should take place only with the approval of the Government of the Province, and, if possible, the Legislature, like other taxation, not merely by Executive Order?—(Sir John Thompson.) That was just an example given to me by one of the members of our Council, and I really could not say whether that would meet his objections.

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4775. Now with regard to the position put to you that if there is not money enough to go all round it would not be much use going on with this Inquiry, what, in your opinion, would be the reactions in India if, let us say, a suggestion was accepted that unless we are quite sure at this stage that there will be enough money to go round we shall not proceed with the framing of the Constitution?—I think that would be a great mistake.

4776. What, in your opinion, would be the reactions in India?—I think the reactions in India would probably be very much a repetition of what we have had in an exaggerated form—agitation, boycotts, and so on.

4777. Then the suggestion has been put to you that several matters that are contained in the White Paper detract from responsibility—that question was put to you. Supposing again the suggestion adopted here was that unless you can give full responsibility in the Centre, you should not proceed in the manner laid down in the White Paper, what would be the position in India if the whole question was postponed till full responsibility could be safely transferred?—It would create an absolutely impossible position in India.

Sardar Buta Singh.

4778. Supposing the fore-requisites mentioned in the White Paper are not fulfilled within a certain time, and, if I rightly understood you to have stated that there is a great desire for advancement in India, and supposing Parliament came to the conclusion that certain of these fore-requisites cannot be attained then what are your proposals to meet the aspirations of the people of India for further advancement?—As far as I understand your question, the White Paper proposes, should those difficulties arise, there will be further consultations, and we are entirely in agreement with that.

4779. Do you not think that would be very detrimental in this way, that it would mean a great deal of delay?—I quite agree that it might have unfortunate reactions, but if the action which was taken ultimately was reasonable, in consultation with representatives of India, I think you might hope that the people would accept it.

Sir Manubhai N. Mehta.

4780. I should like Mr. Villiers to explain this to me. Yesterday, in reply to a question from the noble Marquess of Salisbury, he said that the social reforms would be costly and that each measure of social reform would add to the cost of the Government. May I ask Mr. Villiers to let me know if measures of social reform such as the increase in the marriageable age of girls, the removal of Untouchability, and the throwing of Temples open to Untouchables would increase any expenditure of the Government?—(Mr. Villiers.) It certainly would not add a material increase.

4781. It is only with regard to questions like education, sanitation, and medical relief, that Mr. Villiers probably meant when he said that each measure of social reform would be costly?—That is correct.

4782. One question to Sir John Thompson. In answer to Lord Rankeillour's question that there must be transfer of uniform blocks of powers from the States, and that the Princes had opposed that. I believe Sir John referred to the powers reserved in the White Paper, that the Government would reject any such irregular proposals from the States for Federation?—(Sir John Thompson.) I have not got the reference ready to my hand.

4783. I will read it to you; it is paragraph 8: "to refuse to accept the accession of any State to the Federation if it is sought on terms incompatible with the scheme of Federation embodied in the Constitution Act"?—The view expressed in our Memorandum is that we assume that what you have read from the Introduction to the White Paper means that the accession of a State to the Federation is not going to be accepted unless it would make the Federation a reality.

Mr. Y. Thombare.

4784. I gather, Sir John, you are inclined to think that the limit of the number of States laid down in the White Paper as the prerequisite of the inauguration of Federation is too low?—That is my own view, but as I said, I doubt whether it is a question which will arise in practice.

4785. According to this limit, however, only 28 or 29 States may be able to commit Indian India to Federation?—I know the 12 biggest States, if they came in, would satisfy the population ratio.

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4786. Is this such a state of affairs as would, necessarily, ensure that the views and interests of the remaining States would receive due weight?—I do not quite follow your question.

4787. If only 12 or 13, or 28 or 29 States were enough to commit Indian India to Federation, do you think such a state of affairs would necessarily ensure that the views and interests of the remaining States would receive due weight?—Of course, they would receive due weight, as they receive weight at present, but not through the medium of the Federal Chamber.

4788. I think I have not made my question understood. The question is this: As regards the entry into Federation, it is enough, according to the test laid down, that only 12 or 13, or 28 or 29 States, may be able to commit Indian India to Federation. Is that a state of affairs which would enable the views and interests of the remaining States, as regards entering into Federation, to be considered properly?—I still do not quite understand what your point is.

4789. I will put it in this way: Since 28 or 29 States—I mean to say, a limited number of States, would be enough to commit Indian India to Federation, it is only necessary to give attention to their views and interests, and it is not, therefore, absolutely necessary, so far as the entry of the remaining States into the Federation is concerned, that their views and interests should necessarily receive attention?—But in that case the remaining States would remain outside, and their views would be considered in the usual way through the medium of the Political Department.

Marquess of Salisbury.

4790. There would not be a Political Department?—There would have to be a Political Department.

Lord Irwin.] For all questions of paramountcy.

Mr. Y. Thombare.

4791. If they all desire to enter Federation, then they will ask for conditions, or for consideration of their interests and views?—Quite so.

4792. And you think that they should also receive consideration along with the interests and views of the other States?—Of course, they should, but until they came into Federation, they would not

receive consideration through the medium of the Federal Chamber.

4793. But prior to entering into Federation, should not their interests and views receive consideration?—They would receive consideration on the present basis.

Sir Akbar Hydari.] My Lord, I feel, if I may be permitted to say so, that the evidence which has been tendered from that side represents such a just appreciation of the Indian situation and the extent to which the White Paper meets it, that I do not want to ask anything.

Marquess of Zetland.

4794. My Lord Chairman, I must apologise; I was unavoidably prevented from being here yesterday, and there is a question I should like to ask Sir John Thompson. The duties to be imposed upon the Governor, under the White Paper scheme, will be very onerous, will they not?—They will, certainly.

4795. Do you think that, as at present proposed, they will be adequately discharged by one man?—I think so. I do not see that they would be any more onerous than they are at present.

4796. Now you think that the safeguards can be enforced?—I do, yes.

4797. One of the chief difficulties, I imagine, which the Governor will find in discharging his special responsibilities will be in keeping himself informed of all the work that is going on in all the different Departments of the Government, so that he may know when he is likely to be called upon to exercise his special powers. Will not that be so?—I do not see that there is, necessarily, any difficulty about it. Rules with regard to the business of the Government are provided for in the White Paper.

4798. That is certainly true. The Governor will have the power of making rules for the discharge of business, after consultation with his Ministers, but it is quite possible that a Governor, coming out from Home, may not know the sort of Rules that will be required. Do you not think there might be some difficulty in a case of that kind?—But there are a number of Departments that are transferred now in the Provinces, and Rules have been framed there which do ensure that everything comes to the notice of the Governor. I have never heard of any complaints of things not coming to the Governor in regard to transferred Departments. I may be wrong.

6° *Julii*, 1933.] Sir JOHN PERRONET THOMPSON, K.C.S.I., K.C.I.E., [*Continued.*
Sir ALFRED WATSON and Mr. EDWARD VILLIERS.

4799. That is under the existing rules?
—That is under existing rules.

4800. You cannot be sure that those existing rules will be perpetuated?—But I think it is reasonable.

4801. Of course, there will be a great many more Departments transferred, and, in some senses, Departments with which the Governor will be very much more intimately concerned than the existing transferred Departments; so that, clearly, the Governor's duties are going to be extraordinarily onerous and difficult in connection with those Departments?—They are, in a way, but there are a certain number of things, I imagine, which will, when he has responsible Ministers, not come to the Governor at all; and in that way he would have a reduction in his work there; but I quite agree that the thing is one that has got to be provided for, and what I feel is that the White Paper makes it possible to provide for the submission of papers, and so on.

4802. Forgive me for pressing this point, but what you said just now really confirms me in my belief in the difficulties under which he will labour. You said, quite truly, that under the new Constitution a great many matters will not come to the Governor at all. It is

because they will not come to the Governor at all that he will not know what is going on in respect of those matters?—I imagine the way in which it would be dealt with would be that certain statements of business and statements of cases would be submitted to the Governor through his Private Secretary, and, anything he wished to see he would be able to call for.

4803. I agree, if he knew that it was desirable that he should call for it?—Yes.

4804. Would it not make the working of these particular safeguards more certain, if it was laid down in the Constitution Act that it was the duty of any Secretary to the Government to bring to the notice of the Governor any matter which might affect his special responsibilities?—That, I think, is a suggestion which I should like to keep out of the White Paper, assuming that people were satisfied that the power to make rules would give sufficient power. I think there is a good deal of anxiety expressed on that point, and it is an anxiety which has got to be set at rest; but, personally, I feel that the White Paper does provide for it.

Chairman.] Thank you. We are very greatly obliged to you gentlemen.

(The Witnesses are directed to withdraw.)

Sir CHARLES INNES, K.C.S.I., C.I.E., is called in, and examined, as follows:—

Chairman.

4805. Sir Charles Innes, you hand in a

Memorandum marked No. 32?—Yes. It is as follows:—

MEMORANDUM 32. By SIR CHARLES INNES, K.C.S.I., C.I.E.

My evidence is the evidence of a member of the Indian Civil Service, who went on leave preparatory to retirement last December after completing 34 years' service in India. The first 20 years of my service were spent almost entirely in the Madras Presidency, and in the course of it I was for five years the Collector of a big Madras district. In 1919 I went to the Government of India, and for the last 12 years of my service I was closely concerned with the working of the reformed constitution both as a member of the Governor-General's Council and as Head of a Provincial Government. I was also a member of the Indian Legislative Assembly from its inception in February, 1921, till March, 1927. Thus I have had experience both of pre-war India and of India since the introduction of the reforms.

It is on the later experience that I lay stress for the purpose of this evidence, for I do not think it easy for those who knew India only in pre-war days to realise the changes which have come over India in recent years. Some of these changes astonish even men of my standing—Indian women coming out of purdah, and dining and playing tennis in public, and, most amazing sight of all, Indian peasants waiting on the roadside for the motor omnibus to take them to their market town. Such changes are bound to have far-reaching effects, but the change I have most in mind is the change in the mental outlook of the educated classes and the growth of political consciousness. This change is the result of a long process of fermentation, but right up to the war the process was a comparatively gradual one. It was

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[Continued.]

the war and the new ideas generated by the war that made the difference. These new ideas affected this country as well as India, and they were the cause of the announcement of August, 1917. His Majesty's Government announced that it was their intention gradually to introduce responsible government into India, and the Government of India Act, 1919, was the first instalment of that promise. Some six million people were enfranchised. Partial responsibility was introduced in the Provinces, and though the principle of responsibility was not admitted at the Centre, the Executive Government was confronted by a legislature enjoying large powers. The results were what might have been expected. A transition stage is always a difficult stage. Incomplete self-government is the most difficult form of government: It is always, so to speak, reaching out to fulfil itself. Canada in the first half of the 19th century offers in some respects a parallel with the India of to-day. There was an irresponsible executive confronted by a powerful legislature, and Canada had its own communal problem in the rivalry of the French and English Canadians. The effects of these factors were much the same as have manifested themselves in recent years in India. There was a tendency towards irresponsibility on the part of the legislature. The tension between the French and English Canadians increased, and there was growing bitterness against the Home Government. Finally there was a rebellion, and it was only Lord Durham's report that saved Canada for the Empire. He recognised that responsibility was the only real remedy for the situation that had arisen. History is repeating itself in India to-day, and much the same phenomena can be seen. The ferment has been immensely increased by the first instalment of self-government. We have set every person in India who understands the matter at all thinking about political advance. It has become an obsession with almost all educated Indians, and they feel that the honour and self-respect of India are bound up with it. As the Indian Statutory Commission put it, there has grown up "a passionate determination among the politically minded classes of all Indian races and religions to assert and uphold the claim of India as a whole to its due place in the world," and there is in India to-day a real Nationalist move-

ment concentrating in itself all the forces which are "roused by an appeal to national dignity and national self-consciousness." Again, communal feeling between Hindu and Muslim is more acute to-day than it has ever been before, and finally during the last 12 years racial feeling against the British has increased in India. Politically-minded Indians tend to believe that the British are standing in the way of their legitimate aspirations, and that we do so because in our own interests we are reluctant to give up our hold on India.

Thus the situation is a confused and difficult one, and among people who like myself have spent their lives in India, there are two principal schools of thought on the question how best it can be dealt with. There is the school to which I belong, and I think it is fair to say that almost everyone who has held high administrative office in India in recent years also belongs to it. The present leaders of the British business community also belong to it. It is the school of thought which accepts in principle, though not necessarily in detail, the general scheme set out in the White Paper.

The other school is that most prominently associated with the name of Sir Michael O'Dwyer, and here again I think it fair to say that most of those with Indian experience who belong to this school gained their experience, like Sir Michael O'Dwyer himself, in pre-reform India. This school holds that the proper test to apply to the White Paper is to ask whether it will "promote the welfare and advancement of the Indian peoples," and applying this test, it considers that the White Paper goes too fast and too far. They are not in favour of admitting in any way the principle of responsibility at the Centre. They would maintain dyarchy in the Provinces. They are prepared, however, apparently by way of concession to Indian sentiment, to transfer all subjects to Indian Ministers except law and order and the administration of justice. They also advocate, I understand from Sir Michael O'Dwyer's evidence before the Joint Select Committee, the retention of the official bloc in the Legislative Council. In other words, they are not prepared to go even as far as the Indian Statutory Commission recommended.

Many of the arguments advanced by this school of thought are strong arguments in themselves. Indeed I am pre-

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[Continued.]

pared to admit that they have on their side most of the easy, obvious arguments. They argue that even in Western Countries democracy has proved a difficult form of government. It has been discarded in three important countries, and it might be said that it has not been a real success anywhere except in this country. They argue further that it is particularly unsuitable for India since the Indian temperament has a bent towards autocracy, and they also point out that it must be a dangerous experiment to try to work a democratic form of government in so vast a population as that of India, more especially as the great bulk of that population is illiterate and moreover preoccupied with the hard facts of physical existence. They also contend that the Hindu-Muslim trouble and the existence of caste constitute formidable obstacles, since so long as these deep-seated divisions persist there cannot be that agreement about fundamentals which is an essential condition precedent to the successful working of democratic institutions.

It is impossible to deny the strength of these arguments, but clearly they should have been advanced before and not after the announcement of August, 1917. If they were pushed to their logical conclusion, we should admit that that announcement was premature, and we should go back on it. But it is common ground that this course is impossible. The announcement of August, 1917, constitutes a solemn pledge given by the British people that responsible government will progressively be realised in British India, and however disconcerting the above arguments may be, they cannot be allowed to invalidate that pledge. They can be advanced only as a plea for delay in carrying out the pledge, and one would expect Sir Michael O'Dwyer's school of thought to argue that no further advance should be made at present. At this point, however, this school finds itself in a difficulty. They recognise that a complete standstill is not possible, and that some concession must be made to Indian sentiment. Accordingly they are prepared to recommend that such immensely important subjects as Land, Revenue and Irrigation should be transferred to Ministers. On their own showing, however, such concessions cannot be justified on the ground that they will "promote the welfare and advancement of the Indian peoples." They can be justified only as

concessions, but they fail even as concessions, for they will satisfy nobody. They will do no good therefore. On the contrary they will do harm for the reasons given on page 47 of the second volume of the Report of the Indian Statutory Commission.

This school of thought however claims that at any rate their proposals safeguard the key positions, but if the long view be taken, I do not think that this contention is correct. This brings one to what I consider to be the fatal objection to the proposals made by this school. It has been pointed out by the Indian Statutory Commission that the success of a constitution depends not so much on its logical excellence as on its ability to attract and make use of the forces of public opinion. Public opinion in India is the opinion of the educated classes. We stultify ourselves if we deny the truth of this proposition, for the main purpose of the Act of 1919 was to organise the opinion of the educated classes, and to give it a chance of expressing itself. It may be taken as certain that these alternative proposals will be rejected by educated Indians almost to a man. How can they be expected to accept them? They would deny their own aspirations if they did. For some of the principal arguments advanced by this school of thought are the sort of arguments which might be advanced almost equally well at any time in the future. I refer to the arguments based on the communal feeling between Hindu and Muslim and on the need for efficient administration. Sir Michael O'Dwyer is reported to have said in his evidence before this committee that he would be prepared to recommend the transfer of Law and Order to Ministers as soon as he was satisfied that the communal differences between Hindus and Muslims had been composed. At the same time he proposes to continue that uncertainty as to the future which, as pointed out by the Indian Statutory Commission (Vol. 2 page 6) intensifies and exacerbates these differences. It might reasonably be argued that so long as the administration of Law and Order is reserved and dyarchy maintained in the provinces, communal feeling between Hindu and Muslim will never die down. At any rate that is the view which the educated Indian will take. Similarly if after 150 years of British rule we have not succeeded in making Indians efficient and progressive administrators, can any one name the time when that desirable end is likely to be achieved?

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[Continued.]

These are the sort of questions which educated Indians will inevitably ask themselves, and inevitably they will regard the acceptance of the alternative proposals by Parliament as the acceptance of a policy which leads nowhere and as postponing indefinitely the fulfilment of the pledge of August, 1917. They will be all the more disappointed as they have been led by the three Round Table Conferences and by the pronouncements of the Prime Minister to believe that Parliament will give them the sort of constitution which is set out in the White Paper. If the alternative proposals are preferred by Parliament to those in the White Paper, they will be bitterly opposed and bitterly resented in India. All the troubles of the last twelve years will be repeated, but they will be worse. Since 1921 politically minded Indians have had something to look forward to:—first the Statutory Commission, and then the Round Table Conferences. Under these proposals, if my line of argument is correct, they will have nothing to look forward to except perpetual Dyarchy. Repression will be necessary on a larger scale than ever. Communal trouble will continue, and there will be increasing animosity against the British, especially the British business men in India and against British members of the Indian Civil Service and the Indian Police.

And what will be the end? How long does this school of thought think that the system which they propose will last? It is idle, in my view, to suggest that it is what the mass of the people as opposed to the educated classes want. That always seems to me to be a futile argument. In political movements it is the educated people that count. Moreover, as we have had reason to know in recent years, the masses are easily influenced against us and easily inflamed. In my view the alternative proposals fail for they do not offer any real or lasting solution of our present difficulties. They would depend, I believe, on repression, and repression is no remedy. No nation can hope to hold another nation permanently in subjection. Sooner or later we should have to give way, and when we did have to give way, we should be in a much worse position than we are to-day.

There is the final disadvantage that if the alternative proposals are accepted by Parliament, it will mean that Indian Policy has been transferred to the sphere of party politics. One sees the difficulty of those who believe that the proposals in the White Paper go much too far. On

the other hand we who have served in India must view with dismay the prospect of India becoming the subject of party politics in this country. The position of the Viceroy and of the Governors will become impossible if what the Prime Minister of to-day says is unsaid by the Prime Minister of to-morrow.

For these reasons I am not in favour of the alternative proposals. I do not regard them as an honest attempt to carry out the pledge of August 1917 for they seem to me to lead nowhere but to perpetual Dyarchy. In the circumstances as they are at present, I believe that the wise course is to accept the general scheme set out in the White Paper. There are dangers and difficulties in the scheme, but the same remark would apply to any scheme that could be put forward, and I believe that the dangers and difficulties are less serious in the long run than those involved in the acceptance of the alternative proposals. The White Paper scheme is consistent with our past policy in India and with the pronouncements made by the Prime Minister, and moreover it seems to me to be correct in principle. India used to be primarily an administrative problem; now it is primarily a political problem; and for the problem as it is now, the true remedy, if there is one, lies in responsibility. For obvious reasons we cannot go to full responsibility, but the adhesion of the Princes to the principle of federation enables us to go a long way in that direction, and I believe that we ought not to let slip the opportunity afforded us by that adhesion. Moreover the White Paper sets out to range on its side the forces of public opinion in India without which, as already pointed out, no constitution can be expected to work successfully, and I attach the greatest importance to this object for two reasons. In the first place, the only permanent link between this country and India is mutual goodwill, and secondly, it is most desirable that we should switch the thoughts of educated India off political controversy on to constructive work of which there is so much to be done in so many fields in India. It is true that some dissatisfaction has been expressed by Indians with the safeguards which the White Paper contains. But if India wishes to achieve the same position in the British Commonwealth of Nations as the Dominions, she must be content to travel by the same path. There is nothing new in safeguards in a constitution, and if they are more precise and

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defined in the constitution proposed for India, it is because of hard facts which must be faced.

The position in which we are is the position created by the announcement of 1917, followed by the three Round Table Conferences and the Prime Minister's pronouncements. Having regard to this position, I prefer the proposals in the White Paper to the alternative proposals. The latter contemplate a timid half-hearted advance which will breed distrust in our honesty of purpose, alienate our friends and generally do more harm than good. The White Paper scheme is a more courageous scheme. It has been rendered possible by the combination of the existence of a National Government in this country and the co-operation of the Princes—a combination which may never recur—and I hope that in essentials it will be accepted by Parliament.

4806. Would you give the Committee quite shortly the principal appointments which you have held?—I was Collector of a very big Madras District for five years. Before that I was a Settlement Officer, and an Under-Secretary in the Government of India. I was Controller of Munitions in Madras. Then I was Food-stuffs Commissioner for the Government of India; then Secretary in the Commerce Department; then for five and a-half years a Member of the Governor-General's Council, and, finally, Governor of Burma.

4807. And it is as an Officer with that experience behind you and representing no views but your own that you appear before this Committee to-day?—That is correct.

Sir Austen Chamberlain.

4808. May I ask Sir Charles one question at this stage and reserve all others? You, yourself, have finished your period of service in India?—Yes, Sir.

4809. Have you still any family connection or personal connection?—I have a son in business in India, another son in the Indian Civil Service, another who is doing a tour of service in Madras Sappers and Miners, and a daughter married to an officer in the Indian Army.

4810. You do not therefore abandon hope of a career for Englishmen in India?—I am an optimist.

Chairman.

4811. Do you desire to make any statement, at this stage, other than your Memorandum?—No.

Mr. Cocks.

4812. Towards the end of your Memorandum you say, "It is true that some dissatisfaction has been expressed by Indians with the safeguards." Could you say what safeguards in particular are most strongly objected to?—I think such safeguards as the fact that the Secretary of State proposes to recruit the Indian Civil Service and the Indian Police for a period of five years. I think that is one, and I think they, probably, think the financial safeguards are excessive.

4813. The first of those would be removed in the process of time, in five years' time?—Possibly, yes.

4814. Could any of the safeguards in the White Paper, do you think, be dispensed with without running grave risks?—I should prefer to keep the safeguards as they are.

4815. Do you think the White Paper as it stands will be accepted by the great mass of educated opinion in India?—I think it will.

4816. Will it, in the end, be acceptable to, say, Congress opinion?—I think that you have got to give it time to work itself out. I think when you start the White Paper scheme, and when they begin to work Provincial autonomy in the Provinces, and, when they get interested in what they are doing, you will get more and more people coming in.

Major Atlee.

4817. Sir Charles, would you agree that there are a number of economic grievances among the people of India that could very easily be exploited by political agitators?—Economic grievances?

4818. Yes.—At the moment things are difficult.

4819. Would you think it possible for an agitation against paying rents or land duty to be raised without any great difficulty?—At the moment, yes.

4820. Do you think it is only momentary?—One of the bases of the White Paper is that they are not going to start this scheme until the finances have improved. I think that is correct.

4821. Given the ordinary circumstances in India, do you think it is possible to represent to the masses of India that

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[Continued.]

they are paying too much in taxation or too much in rent, and so forth?—Yes, I think that is always a line to take with them.

4822. Have you had any experience of such agitation?—Yes.

4823. Could you give an instance?—I had an experience of an agitation against a tax called a capitation tax, which is a tax peculiar to Burma in the Indian Empire, but it is also levied in the adjacent country of Siam. There has long been a political agitation against it because it is a poll tax which is not considered to be consistent with the dignity of the Burmese people. I should have been very glad to get rid of the tax, but was not able to do so owing to the financial situation of the Province. They did exploit that tax to some extent in 1929, and to a certain extent in the rebellion of 1932.

4824. Supposing there was dissatisfaction with the reforms, it would be fairly easy to find reasons for arousing mass action against the Government, would it not?—That is always the case in India.

4825. Do you think that it is possible to bring in broad reforms in India without it being done by Indians themselves, that is to say, social reform?—I do not think it is possible. Social customs are so mixed up with religion that it is one of the criticisms of our rule in India that we have been able to do so little for what used to be called the Untouchables, but I think the Indians will have a much better chance of being able to do social reforms of that kind.

4826. Do you think it possible for one Province to advance more rapidly than another?—I think it is possible for one Province to advance more rapidly than another, but I do not think it is possible to grade them in order of priority. As the Simon Commission pointed out it is undesirable, and politically almost impossible, to have different degrees of advance in the different Provinces.

4827. Do you think there has been a tendency of the Government of India, with regard to social reforms, to lower its advance to the pace of the slower Provinces?—I am not sure that in the last two or three years the pace has not been a little too fast in the matter of social reform. The Sarda Act I have got in mind chiefly.

4828. Do you think that the reforms suggested should admit of flexibility between Province and Province; that is to say, do you think that exactly the

same type of Government is likely to be satisfactory to, say, Madras and the Punjab, in the future?—I do not see exactly how you are to differentiate between them. You have to give them the same form of Government, that is, Provincial autonomy, and let them develop. I do not see how you could have different Constitutions for different Provinces.

4829. Do you think there should be scope in the Constitution for developments, possibly on different lines, in the different Provinces?—I do not know quite how you could get that scope.

Mr. Morgan Jones.

4830. Would you look at the last paragraph but one of your Memorandum. You will find a sentence which reads like this: "The White Paper scheme is consistent with our past policy in India and with the pronouncements made by the Prime Minister, and moreover it seems to me to be correct in principle." Would you be good enough to tell me and the Committee, Sir Charles, how you interpret the objective as indicated by the Prime Minister's pronouncements?—The objective, I understood always, was representative institutions or responsible government.

4831. Would you go so far as to say that the objective could be summarised in the phrase "Dominion Home Rule" or "Dominion self-Government"?—I think that if India eventually achieves, as we all hope it will, responsible government, then India will have achieved much the same status in the Empire as the other Dominions.

Viscount Burnham.] On this question as to the objective of the Prime Minister's policy in India, do not you think we had better take it from the Secretary of State, when he is in the box, rather than from this Witness, who cannot possibly know.

Mr. Morgan Jones.

4832. This Witness says he thinks it is in accord with the objective, and I am cross-examining him on that point. May I take it you imply that, if the White Paper is implemented, India will then be in possession of what you might call Dominion self-Government?—No, not if the White Paper is implemented as it stands.

4833. Then I take it you would regard the White Paper proposals as proposals for an intermediary period?—A step in advance on the road to responsible government. That is how I regard the White Paper proposals.

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[Continued.]

4834. You know a phrase has been constantly used in connection with these discussions, namely, the transition period?—Yes.

4835. Would you suggest that these White Paper proposals are proposals for that transition period?—They are a transition period, yes, of course, both in the Provinces and at the Centre.

Marquess of *Salisbury*.] Would you ask him: Transition up to what?

Mr. *Morgan Jones*.

4836. I am coming to that. Perhaps I may put the point Lord Salisbury asked me to put now. Transition, that is to say, between things as they are now to another further stage, which I might call Dominion self-Government?—Yes.

Marquess of *Salisbury*.

4837. Only to be quite clear, you say definitely you look forward to complete Dominion status in India?—I did not say anything of the sort. I said I looked forward to responsible Government.

Marquess of *Salisbury*.] I thought that was so, but there was just a little confusion.

Mr. *Morgan Jones*.

4838. Would you agree with me, Sir Charles, that Dominion self-Government has been one of the pronouncements, not only of the Prime Minister, but of a series of Ministers speaking on behalf of the Government?—Yes.

4839. And therefore I am quite within the truth when I say that Dominion self-Government has been held forth to the Indian people as the ultimate achievement?—I do not like the phrase "Dominion self-Government." I prefer to stick to the phrase in the Preamble of the Government of India Act: "responsible government within the Empire."

4840. I am on the question of whether the White Paper is in accord with the pronouncement of Governments?—Yes.

4841. May I take it therefore that the White Paper, in your view, is in accord with the Government pronouncements, only in so far as it may ultimately lead to that?—Yes, it is a stage on the way to the ultimate goal.

4842. May I ask another question on the question of transitional period? Would you agree that, since it is only a transitional period, it would be desirable to have a definite time limit fixed for the transitional period?—No; I would entirely disagree.

4843. You would disagree?—Entirely.

4844. Would you agree, Sir Charles, that the absence of a date of that kind might lead to considerable disappointment in the public mind in India?—I think you would get far more trouble if you fixed a date, and you will find the whole point argued at great length in the report of the Indian Statutory Commission, when they urged very strongly that no date should be fixed, and pointed out that it was a mistake in the Government of India Act to fix the period of 10 years.

4845. Would you agree that the difficulty would be met if you put appropriate words in the Constitution Act saying that "in so far as is possible," or some words to that effect, the transition period should come to an end on a given date?—No, I would not agree to that. I would not like that at all.

4846. On the question of the safeguards would you agree that the safeguards in the matter of finance are so circumscribed in their effect as to limit very largely the experience of the Indian people, during the period of transition, in the matter of self-Government?—No, I personally agree with the proposals of the White Paper with regard to the safeguards at the centre.

Archbishop of *Canterbury*.

4847. Sir Charles, I do not think I need ask many questions as your paper is so full. You mention that the communal feeling between Hindu and Muslim is more acute to-day than it has ever been before. If that be so do you think that that is, itself, some reason why there should be delay in advancing along the lines of this White Paper?—No, not at all. When I said "to-day" I meant in these last few recent years, but I think it has become acute because of the uncertainty as to the future.

4848. And you think it would be aggravated, rather than diminished, if that uncertainty were prolonged?—Yes.

4849. On the contrary, would you suggest to us that you thought that whatever tension there might be might be relieved if some advance of this kind were possible?—I think it would tend to be relieved, especially in the provinces.

4850. You also say: "Almost everyone who has held high administrative office in India in recent years also belongs" to what you call your school of thought. I rather hesitate to put this question, but it has been suggested to us by others. Would it be at all true, in

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your opinion, to say that that fact, so far as it is a fact, has been due to any kind of influence, direct and indirect, of the knowledge that the Government at home was interesting itself in these matters?—Entirely untrue.

Chairman.] I hope your Grace's question relates to ex-Members of the Service?

Archbishop of *Canterbury*.

4851. To ex-Members entirely?—Ex-Members. As far as I know it is entirely untrue.

4852. You further say: "It may be taken as certain that these alternative proposals"—that is those coming from what you call the other school of thought from yourself"—?—Yes.

4853. "will be rejected by educated Indians almost to a man." In your view, would that be true of those educated Indians who have always been most loyal to the British Association with India?—I think that practically all educated Indians now expect the sort of constitution which is sketched in the White Paper, and if Parliament go back to any considerable extent on that Constitution I think there will be general resentment. Of course there will be a certain number who are Conservatives (I will put it in that form) but, generally speaking, I think my statement is true.

4854. If there were much postponement, do you think that would affect the loyalty and good will, even of those educated Indians who have shown most of these qualities?—I think that depends really upon the circumstances in which the delay takes place. If they are satisfied of our honesty of purpose, and that the delay is due to causes entirely beyond our control, I do not think that resentment will be felt.

4855. You also say that under the proposals you dislike, "repression will be necessary on a larger scale than ever." Do you think that there would be really reasonable probability of repression on a large scale becoming necessary because of outbreaks of discontent?—I certainly think that if the White Paper proposals were rejected, or very materially modified, you would certainly, possibly not at once, but within a comparatively short time, have very general trouble, especially in the north of India.

4856. Such repression as would mean military operations?—Probably in some places, yes.

4857. You say again that "communal trouble will continue, and there will be

increasing animosity against the British, especially the British business men in India, and against British members of the Indian Civil Service and the Indian Police." Is what you wish to convey, that supposing there was a reversal of what is outlined here, or very great delay, it would increase whatever criticism there may be now of the influence of British business men and of the British members of the Indian Civil Service?—Yes.

4858. And therefore if that were so, is that eventuality took place (either there was rejection of such proposals, or much delay in bringing them forward) that would very much qualify what you stated at the beginning, that you were personally optimistic about the future careers of British people in India?—To some extent, yes.

4859. I think I have only one more question; that is of a very general kind, Sir Charles. You have told us of your very wide and special experience in India. We may, I suppose, assume that you have studied carefully the detailed proposals of the White Paper in the light of your actual administrative experience?—I will not say that I have studied them in very great meticulous detail, because I did not expect that I was going to be examined by the Joint Select Committee, but, of course, I have read the White Paper two or three times quite carefully. Of course I have not gone into it in very great detail.

4860. So far as you have gone into it, would you think that, quite apart from any possible political advantages, it presented a workable administrative scheme?—I think so, yes.

Marquess of Reading.

4861. Sir Charles, you have had experience as a Member of the Executive Council of the Viceroy for, I think, five and a half years?—Yes.

4862. And during that time, of course, you sat in the Council with Indian Ministers?—Yes.

4863. Three Indian Ministers, three British, and the Commander-in-Chief, presided over by the Viceroy?—Yes.

4864. Would you agree that during that time the Indian Ministers were thoroughly loyal?—Entirely.

4865. And efficient?—Yes.

4866. And took their full responsibility in the decisions that had to be arrived at?—Yes.

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4867. There is only one other question I want to put to you: Would you agree that the safeguards as proposed in the White Paper, and assuming, of course, that they are properly enacted in a Statute, in Letters of Instructions, and so forth, would prove effective?—I think so.

4868. And could properly be carried out?—Yes, especially at the Centre.

Sir John Wardlaw-Milne.

4869. Does that mean, may I ask, that you do not think they would be effective except at the Centre?—No. What I have in mind was this: In the Provinces you have got no safeguard relating to financial stability, and I think that there ought to be provided, either in the Statute or in the Statutory Rules, as in the Devolution Rules, at present, that in every Provincial Government there should be a Treasury or Finance Department which must be consulted in all matters relating to finance. It seems to me that that point ought to be brought out in the Constitution.

Marquess of Reading.

4870. You mean, ought to be consulted by the Government of India?—No; I was referring to the Provinces, and I think that every proposal for expenditure in a Province ought, by Statutory Rules, to be referred to the Finance Department of that Province, and it might be considered whether the Finance Department should not have a right of access to the Governor, though the Governor has no special powers over it; but I do think that ought to be provided for in the Province.

4871. What you mean by that is, that in any reform that is to be carried out regard must be had to the financial conditions?—Yes.

4872. And, consequently, there should be a reference to the Finance Department?—Yes.

4873. And if the Finance Department wishes to make representations, it should be open to it to make representations to the Governor?—Yes.

Sir John Wardlaw-Milne.

4874. You are suggesting that as an extra safeguard?—I would not call it a safeguard, but I think it is a very necessary precaution which should appear either in the White Paper or in the Statute itself, or in the Statutory Rules.

Mr. Rangaswami Iyenger.

4875. That would be a kind of Treasury control?—Yes, I suppose it would; but there is nothing about it, as far as I could see.

Marquess of Reading.

4876. Your point is that you want to see that something should be inserted, wherever it may be found desirable, that would make it quite clear that there must be a reference in such cases to the Finance Department and from the Finance Department to the Governor?—That is my point.

Marquess of Lothian.

4877. Sir Charles, is it true that the number of the younger generation who are interesting themselves in politics in India is steadily increasing among the Indians?—Yes, certainly.

4878. You say in your Memorandum: "The White Paper sets out to range on its side the forces of public opinion in India, without which, as already pointed out, no Constitution can be expected to work successfully." Do you think that a large part of the young generation, a good many of whom are now in opposition, will, under the White Paper scheme, make up their minds to throw themselves into constructive work on Constitutional lines?—That is my hope.

4879. And they would take a responsible view, after a little experience, of the problems of Government, with a view of making their country as well governed and as progressive as possible?—That, I think, is the line they would take.

Marquess of Zetland.

4880. Sir Charles, there is only just one point I want to clear up to prevent any misapprehension in connection with an answer you gave to Lord Reading. When you said you had sat side by side with Indian Ministers in the Government of India, of course you were referring to Indian Members of the Council?—Yes.

4881. They were not Indian Ministers responsible to the Legislature?—No; quite.

4882. Now I just want to be quite clear as to your views, because you have had great experience of India on this point. With regard to the prospects of British trade, I rather understand from your Memorandum that you think that, unless an advance at least equivalent to

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that proposed in the White Paper is made, there will be great disturbance in India, boycott of British trade, and so on. Is that so?—Yes.

4883. And that probably, therefore, British trade will be liable to be very gravely damaged in circumstances of that kind?—Yes.

4884. On the other hand, you are not seriously apprehensive of the effects upon British trade of the proposals contained in the White Paper. Is that so?—I am not.

4885. In other words, you think that the best safeguard for British trade would be a contented India?—Yes.

4886. And are you of opinion that the proposals contained in the White Paper, including, of course, all the safeguards, will be likely to produce a contented India, in the sense in which I used the word just now?—I think so on the whole, yes.

4887. That is your considered opinion?—Yes.

4888. Now you have had a good deal of experience at the Centre; you have been a Member of the Legislative Assembly as well as a Member of the Government of India. I am rather apprehensive myself on the question of the franchise which is proposed for the selection of Members of the Legislative Assembly in the future. As I understand the proposal in the White Paper, it is this, that the Members of a comparatively small Legislative Assembly in a country of vast area are to be elected by a direct franchise. That will involve, will it not, constituencies of enormous size? Do you think that they will not be so large that it will practically make the representative principle inoperative?—Personally, I must admit I would have preferred indirect election, but I understand it was considered and turned down, no doubt for very good reasons, but I do not know quite what they were. My own feeling always was in favour of indirect election to the Legislative Assembly and the Council of State for the very reasons you have named.

4889. You have not actually considered the actual size that a great many of the constituencies will be under the proposals of the White Paper?—I know how big many of them will be, yes, but I have not considered the point specially.

Major *Cadogan*.

4890. That is why you are in favour of indirect election?—Yes, one of the reasons.

Marquess of *Zetland*.

4891. I understood the Witness to say that he himself would prefer a system of indirect election, both for the House of Assembly and for the Legislative Council?—For the Council of State.

4892. If that is so, how would you differentiate between the electorate for the Lower House and the electorate for the Upper House?—I suppose that was one of the points that they considered when they decided in favour of direct election to the Lower House.

4893. That is not an answer to my question, if I may say so. I asked you how you would differentiate between the electorate for the Lower House and the electorate for the Upper House?—I am afraid I have not considered the point; I could not give you a considered answer to that straightaway.

Marquess of *Salisbury*.

4894. Sir Charles, you have been very careful in your Memorandum to state fully the arguments against the view which you were going to come down upon, have you not?—Yes.

4895. That is very good of you. Now I notice that you dwell a great deal upon the pledges of the British Government?—Yes.

4896. But you are, of course, aware that those pledges are all conditional?—Yes.

4897. I do not want to dwell upon it. I am sure you know that the Act of 1919 expressly said that it did not follow at all that self-government would be extended, but that it might be held as it was or there might be a retrogression?—Yes.

4898. And, similarly, in your statement with respect to the Prime Minister's Declaration, you know that that was only accepted by Parliament, subject to great conditions?—Yes.

4899. Especially in the House to which I have the honour to belong, the conditions were very expressly set forward. Indeed, one might go so far as to say that, but for the conditions, it would not have been passed at all?—Yes, but might I say one thing upon that point, Lord Salisbury?

4900. I wish you would, please?—It is perfectly true that these pledges might be called conditional pledges, but I always remember a note on one of the files of the Agricultural Department of the Government of India, which note was recorded by Sir Denzil Ibbotson, who was

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one of the most distinguished administrators the Indian Civil Service ever produced. The note ran as follows: "The one thing that we British cannot afford to do in India is to give the Indian even a colourable excuse for charging us with breach of faith."

4901. I am quite sure, if I may say so, that that is absolutely true. It is true really not only of India, but almost of everywhere?—But it is especially true of India.

4902. It is true of England, too; there are certain pledges which the Government have given to the people of England which have to be implemented?—I am not familiar with them.

4903. I am afraid it is my business to be familiar with them, but I do not want to dwell upon that, except just to notice it. Now you said in answer to my honourable Friend that you looked upon this White Paper as transitional, leading up to, I think you said, full self-government?—No, I said full responsible government within the Empire.

4904. But the point was that it was transitional?—It is bound to be transitional as long as you cannot go the whole length.

4905. You notice, do you not, that in your paper you say: "A transitional stage is always a difficult stage"?—Yes.

4906. You go on to say: "Incomplete self-government is the most difficult form of government"?—Yes.

4907. Would you not call the White Paper incomplete self-government?—Yes. Until you can go to the whole length, you are bound to have incomplete self-government.

4908. I mean to say, I am not challenging personally the safeguards, but self-government strictly tied, at any rate, apparently, by safeguards is incomplete self-government?—Yes.

4909. And, therefore, we may agree that it is a very difficult stage to pass through?—It is open to the same objections as the alternative proposals, but not nearly to the same degree.

4910. That is a matter of opinion, I am wanting to get this point clear. There might be difficulties, might there not, in increased taxation. Was that put to you just now?—No.

4911. You do agree that probably the White Paper will involve increased expenditure?—Yes. I do not attach very much importance to the argument that it is going to be increased expenditure on account of the number of Ministers, and that sort of thing, because, after

all, that is a comparatively small amount. When you have got a Revenue of about 10 crores of rupees, the fact that you are going to spend 3 or 4 lakhs upon your Government, does not matter very much. The general tendency of a democratic Assembly is, of course, to increase expenditure upon what they call the Nation Building Departments. To that extent, there would, possibly, be increased expenditure; but if they want to spend the money on these Nation Building Departments, they will have to find the money for it.

4912. But increased expenditure means increased taxation, does it not?—Yes.

4913. And increased taxation means a certain amount of discontent?—Yes.

4914. Then you will realise, will you not, that in your Memorandum you say: "we have had reason to know in recent years, the masses are easily influenced against us and easily inflamed"?—Yes.

4915. In this condition of transition, which we admit is a very difficult stage to pass, and amidst the difficulties which must necessarily arise in the new form of Government, it would not be difficult to inflame the masses, would it?—It would be very much easier to inflame the masses if you had the alternative proposals instead of those of the White Paper.

4916. My question was an absolute one, not a relative one. Then we may say that we cannot look forward to any real condition of complete calm under the new state of things. There will probably be agitation for modifications?—I hope not.

4917. So do I, but it is to be expected?—I think that probably now, when the thing is being considered, naturally they will ask for as much as they think they can get; but once the whole scheme has been carefully examined and passed by Parliament, my own belief is that you will find most of the Indians will sit together and try to work it honestly and well.

4918. Then may I call your attention to a passage in your interesting Memorandum where you say: "It is true that some dissatisfaction has been expressed by Indians with the safeguards which the White Paper contains. But, if India wishes to achieve the same position in the British Commonwealth of Nations as the Dominions, she must be content to travel by the same path." Would you say that the White Paper suggests that India should travel by the same path as the Dominions?—Yes.

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4919. Surely, Sir Charles, you will not say that, if I may venture to put before you that there are very great difficulties?—Might I explain what I have in mind? What I have in mind is this. I may explain that I was asked to write the Memorandum and send it in at once. I sat down and wrote it, and I had no books of reference. I think you will find in the Constitutions of practically every Dominion, New Zealand is one I have in mind, the safeguard which even now is there. The Governor-General may at any time overrule his Executive Council and take action against what they say; and you will have that kind of safeguard in every Dominion, and as the Constitution works reasonably and well, those safeguards drop into abeyance.

4920. Do you say that the Governor-General of Canada can overrule his Cabinet?—I said New Zealand, and I think you will find it in the original Constitution.

Lord *Eustace Percy*.] Under the British North America Act there are a very large number of things left to the discretion of the Governor as distinct from the powers given to the Governor-in-Council.

Marquess of *Salisbury*.

4921. But, in point of fact, in these great Dominions the Governor acts by the advice of his Ministers?—He does now; I do not say he originally did when they first introduced the Constitutions.

4922. But another direction in which it is suggested they should follow the path of the Dominions is that the Constitution of the units and the Federation has been done at one and the same moment, whereas in all the cases of the Dominions no Federation was proposed until the units were settled in their form of self-government?—Yes.

4923. So that is a very great difference, is it not?—It is bound to be. You have got different circumstances, of course.

4924. Certainly. Please do not think I want to criticise unfairly?—No.

4925. It is only that I want to let you know that I realise that there is a very great difference?—I realise that. What I have in mind was that in the Constitution of the Dominions at the start there were these safeguards, which dropped out in course of time. India must expect these safeguards and, no doubt, in course of time, they will drop into abeyance.

4926. You look forward to a time when they will all drop out and India will have full Dominion status?—Certainly.

4927. I know you have been pressed for time, and if you say you have not thought about it I will accept it at once. Have you thought of some of the difficulties of carrying out the policy of the White Paper, such as the expense?—Yes, I agree that finance is one of the difficulties, but then the White Paper safeguards itself on that very point.

4928. In what respect?—About finance and expense.

4929. There are certain safeguards, but you do not suggest it would be possible to establish Federation now as the finance stands at this moment?—No, I imagine not.

Mr. *Butler*.

4930. Perhaps it would be helpful if the Marquess of *Salisbury* would refer to paragraph 32 of the Introduction to the White Paper?—That is what I had in mind—paragraph 32.

Marquess of *Salisbury*.

4931. I am very much obliged to you. Let me call your attention to one other thing in the working of the Constitution. You have realised, have you not, that some of the units of the Federation will not be *ejusdem generis* with other units of the Federation?—Yes.

4933. That is rather different from the path which the Dominions have trodden?—Yes.

4933. The representatives of the States will be able to vote upon matters interesting to British India, whereas the representatives of British India will not be able to vote upon corresponding matters interesting to the States?—That is an anomaly.

4934. Very different from the Dominions Constitution?—Yes.

4935. And very difficult to work?—Probably.

Lord *Rankeillour*.

4936. Sir Charles, it was given to us as an opinion, in evidence this morning, that India was one of the lightest taxed countries in the world. Do you agree with that?—Not at the moment.

4937. And there is not a large taxable reserve which can be drawn upon?—No, there is not.

4938. A question has been raised about the progress of social reform, and it has been suggested to us that social reform is delayed now owing to the caution of

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the Government. What I want to ask you is this: In the present Indian Central Legislature there is nothing to prevent Private Members from bringing forward their own legislative proposals?—No, nothing.

4939. And if there were a strong feeling in favour of some form of social reform that could be brought forward in a Bill in the Central Legislature?—Yes.

4940. And it is unlikely that if that were the general sentiment the Government would oppose it?—We occasionally did oppose that kind of Bill on the ground that we should have to stand the racket if it caused great discontent, and on the ground that we did not think the time was ripe for measures of that type.

4941. If it was ripe in Indian public opinion, it could be proposed and the Government would not be likely to refuse it?—That is quite true.

4942. I want to ask you about the terms of accession from the States to the Federation. Would it not be rather difficult to forecast a Federal budget until you know what States are likely to come in, and on what terms?—I think it would be a rather difficult proposition.

4943. I think you have probably read that the States are opposed to any direct Federal taxation?—I have not really studied that part of it very much. My experience of the last five years has been in Burma and I have not had very much to do with the Princes. I read their Memorandum, it is true.

4944. I think you may take it it is so?—Yes.

4945. Would not the effect of that be that any increase of taxation throughout the Federation would have to be by indirect taxation?—Up at the centre; yes, I think it would have to be indirect.

4946. Because, naturally, the British India members would not wish to impose direct taxation which was not spread all over the Federation?—Yes, that is true. You mean they would go for customs, to which the inhabitants of the Indian States pay, as well as the inhabitants of British India, and get indirect taxation, in that way.

4947. That would naturally limit the taxable reserves?—Yes, it would.

4948. What analogies are there for different units coming into a Federation on completely different terms?—I do not know.

4949. There was one in Germany, was there not?—I do not know it.

4950. But it has disappeared?—I am afraid I do not know that.

4951. May I refer you to the Prime Minister's assurances? Of course, you realise that where legislation is necessary, no assurance by a Prime Minister can bind Parliament?—I realise that fully.

4952. It was given us in evidence, by Mr. Sinha, that the proposals in the White Paper, including the safeguards, had gravely disappointed expectations in India. If his view should prevail would you go any further on the road to concession?—I would not call it concession so much. I regard the White Paper as a considered constitutional scheme advancing towards responsibility. I would not call it concession. I do not think it is safe to go materially further than what the White Paper proposes. That is my view.

4953. If, therefore, on account of the safeguards, expectations appear to be disappointed in India, you would not throw over any of the safeguards?—Personally, I would not.

4954. Have you read the Memoranda of the Police Association and of the European Association?—I read it in the paper.

4955. Do you generally agree with what they say?—I do not remember in sufficient detail to be able to answer that question.

4956. They do say, with regard to the Police, especially there should be more definite safeguards than appear in the White Paper?—Personally, I accept what the White Paper says about Police.

4957. But you do not dissent, although you have not gone into them, from the views of the Police Association?—I do not remember them, so I cannot tell you whether I accept them in full or not.

4958. Have you read the Memorandum of the European Association?—I have read that, but, again, I am rather hazy about the details of it.

4959. Again, you see nothing from your recollection, to object to in those details?—My position is that I accept the White Paper proposals.

4960. And nothing should be added and nothing subtracted?—I leave that to the Joint Select Committee, which is considering that in detail.

4961. But you do not offer us any guidance as to amendments?—No.

4962. With regard to Bengal, do you realise there is a very difficult problem there, or a more acute one?—I realise there is a very difficult problem there.

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4963. You realise that the independence and the standard of the Courts should be maintained?—That is very necessary.

Major Cadogan.

4964. Sir Charles, I think you implied, in an answer to His Grace, that it would be easier to introduce, to conduct through the Legislatures, and to carry into effect, measures of social reform if responsible Indian Ministers were in charge of the Departments concerned. Did I gather that that was your reply? —Yes; I think the only people who can tackle these difficult questions of social reform in India are the Indians themselves, and we Britons (who are, after all, aliens) are in a very difficult position in dealing with them.

4965. Apart from that, you do not think that taxation would be more popular under the new Constitution than under the existing form of Constitution? —No; but, after all, the people imposing the taxation will be the responsible Indian Ministers, and they will have to bear the brunt of any unpopularity that may be caused. They take the responsibility for any additional taxation that is imposed.

4966. Social reform is more popular at the time of a General Election in this country than at any other, and presumably it will be the same in India?—You have more experience of that kind of thing than I have.

4967. You spoke of the trend of opinion amongst the great masses of the Indian people, and particularly in the youth of India, in recent years. Presumably your observations in recent years have been confined to your own Province of Burma?—Mainly to Burma.

4968. You will agree with me that that may not be a very good criterion for the other Provinces of India?—I quite agree.

4969. I think when we went into the figures of literacy on the 1921 census, they were found to be 51 per cent. men and 11 per cent. women?—I do not remember the exact figures.

4970. Therefore, you have not had an opportunity of making observations of the trend of opinion in other Provinces, in recent years?—I have been in Burma, that is all.

Sir Reginald Craddock.

4971. You mentioned that you were for five years a collector in a Madras district. That was Malabar, was it not? —Yes.

4972. You had some trouble with the Moplas?—I had a little outbreak.

4973. You have general knowledge of the Mopla Rebellion?—I know a little about it.

4974. Would you have any hesitation about Law and Order in Malabar?—I should regard it as just a part of Madras Presidency, and I have come to the conclusion that, in the Madras Presidency, as indeed in other Provinces of India, you must transfer Law and Order, and that must necessarily apply to Malabar.

4975. That is to say, I can take it safely as your opinion that, if you can transfer Law and Order in the Malabar district you can transfer it anywhere?—Anywhere in the Madras Presidency.

4976. In your Memorandum you write as follows: "It is impossible to deny the strength of these arguments"—these are the arguments which I think you have associated with Sir Michael O'Dwyer's views—"but clearly they should have been advanced before and not after the announcement of August, 1917." Is it your view that anybody who does not agree entirely with the White Paper should hold his peace now? —Not at all.

4977. You do not imply that the persons who now hold those views kept quiet when the Montagu-Chelmsford Reforms were in process of incubation?—I did not quite catch your question.

4978. Is what you suggest, about people who did oppose strongly the Montagu-Chelmsford Reforms, that they should, therefore, no longer urge views against the White Paper?—Everyone has the right to have his own views, and to express them. I do not deny that for a moment.

4979. When I read that sentence I was inclined to think it pointed to that?—It was very hastily written.

4980. You have stated your view with great clearness and sincerity, but there is one other question I want to ask you which might be interesting in relation to franchise. We have spoken about the greater amount of literacy in Burma than in India. That is true as regards primary education, but I think you would admit it is not true as regards higher education?—Quite so.

4981. The proportion of higher education in Burma is much less than in India?—Yes, that is quite true.

4982. As you, of course, know, the franchise in Burma was far more extensive than it was in India?—Yes.

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4983. Much larger?—Yes.

4984. Could you say whether it was as large as the proposed franchise under the White Paper?—No, I could not. I have not got the details in my head.

4985. You do not remember what proportion of the population it was?—No, I have not got the figures at all in my head.

4986. At all events, you would know that it was larger than in India?—It was larger than in India, yes.

4987. Could you tell the Committee what the effect of the larger franchise was, or if it had any effect?—I do not quite know what you mean.

4988. I mean to say: Was the larger franchise an advantage in Burma or a disadvantage. It is an interesting point. I would like to be informed about it myself. It might bear somewhat on the franchise proposals for India?—I see. I cannot say that the ordinary average Burman peasant has, so far, shown any very nice discrimination in the way he has recorded his vote.

4989. In spite of the fact that they are more literate?—Yes; but you must remember their literacy does not go very far.

4990. No, I know; but it was largely due to the monastic schools originally, was it not?—Yes, largely.

Viscount Burnham.] On a point of Order. I suppose there will be an opportunity for the Committee to consider the question of the separation of Burma, which affects the whole of the financial arrangements under which these proposals will be carried out?

Chairman.] I have no doubt that will be the case.

Miss Pickford.

4991. In your Memorandum you refer to the school of thought which you associated with Sir Michael O'Dwyer, and you say that they claim that "their proposals safeguard the key positions, but if the long view be taken, I do not think that this contention is correct." Would you kindly elaborate that statement a little?—I thought I had elaborated it in what followed. What I feel is that, as I understand it, that school of thought think that, by reserving Law and Order, they are maintaining a very strong safeguard for the British Raj in India. I, myself, hold that, on the contrary, they are doing great disservice to the British Raj, because, while in itself, for the

reasons pointed out by the Indian Statutory Commission, that proposal to reserve Law and Order is open to very grave objections, it is also open to what I regard as one of the most grave objections of all, namely, that you will alienate all our friends in India by doing it. That is what I had in mind.

4992. That, of course, is the key position in the Provinces?—Yes.

4993. But they would also keep a fixed Executive at the Centre. Would you regard that as a key position?—Yes.

4994. Do you think that that would safeguard the key position?—No, I do not think so, because, after all, if you do not have responsibility at the Centre, you will not get the Princes in, and I attach very great importance to the Princes coming in.

4995. Supposing the Princes did not come in, and you continued a fixed Executive at the Centre, do you think that would be a strong Executive?—If the Princes do not come in, I think the whole question has got to be reconsidered in consultation with Indian opinion; but my own opinion on that particular point is, that the Government of India as it exists at present cannot possibly be a strong one. It is constantly being defeated in the Legislative Assembly, and it is constantly having (I am talking of the Provinces) to yield to pressure.

Miss Pickford.

4996. You also say that it may be taken as certain that these alternative proposals will be rejected by educated Indians almost to a man. In that phrase, would you include the educated woman?—Yes, I think so.

4997. But there is a considerable political interest amongst the educated women?—A considerable interest is now being shown, yes, more and more each year by educated Indian women,

4998. And they would share the disappointment if the White Paper proposals were not introduced?—Very much so; in fact, I often think they are more extreme than my friends on the right.

Mr. Davidson.

4999. Sir Charles, it has been said in evidence that Congress has had a considerable effect upon the masses in stirring them up against the Government. Is it in your opinion due to the fact that up to the present there has been little, what I might call, political organisation of the less extreme opinion in India?—

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No, I do not think so; I think that there has been organisation of the less extreme opinion; but, of course, Congress taking the extreme view, has most of the cards on its side. It is always the people who take an extreme view who have the influence with the masses, especially when they go to the elections.

5000. But do you think that if some form of responsible Government is instituted in the Provinces and at the Centre, what I might describe as political organisation will take deeper root in the country?—I certainly think that you will get what we gravely lack at present: a growth of proper Parties, with Party organisations.

5001. And that, therefore, the masses who at present are only influenced by extreme propaganda, and on whom, as has been stated in evidence, Government counter-propaganda has little effect, if it ever reaches them, that that will be in some way neutralised by the creation of modern political organisations?—Yes. My view is that if we go as far as the White Paper, we shall switch Indians off this rather barren political controversy, and set them to proper political affairs connected with the welfare and administration of their own Provinces. Then we hope they will start Parties, and will go to the country not with propaganda against the Government, but with propaganda in favour of the measures which they themselves propose. That is my view of it.

5002. Just one more question on another point. You were, I believe, one of the representatives of the Indian Government at the Imperial Conference in 1926?—Yes.

5003. At that time the Indian Government was not prepared to accept the full policy of Imperial preference?—That is so.

5004. You have knowledge of the recent agreement at Ottawa?—Yes.

5005. By which a change of policy took effect in India?—Yes.

5006. The Indian agreement was passed by a large majority of unofficial members in the Legislative Assembly?—Yes.

5007. Would you, in your opinion, agree that that was possible partly because the Representatives of India at Ottawa were Indians, and also, in some cases, Members of the Legislative Assembly?—I think it was mainly due to the fact that the Indians realised that it was for themselves to decide whether or not they would ratify that agreement. In the old days, before we introduced

this principle of discriminating protection, every Indian thought that Britain kept India a free-trade country in the interest of her own trade. When the Fiscal Convention was introduced, and when we passed a Resolution in favour of discriminating protection, and the first Steel Bill was passed, we at once transferred all that from the political sphere to the economic sphere, and in recent years in the Indian Legislative Assembly more and more we have been creating a strong Free-Trade Party. It was getting more and more difficult for me to pass Protection Bills. I think that is all to the good; it shows the value of responsibility, and I am perfectly sure that if we had not taken that action, you would never have got the Indian to agree to the British preference on steel, or to the Ottawa agreement, and it seems to me a very good example of the stimulating effect of responsibility.

Sir John Wardlaw-Milne.

5008. In answer to Mr. Davidson a moment ago, you referred to your hope and expectation that political Parties would grow up in India if the White Paper scheme were carried out?—Yes.

5009. I want to ask you to carry that a little further. It has been suggested in evidence here that one of the difficulties might be that the influence of Congress or of an extreme view in India was so strong that, possibly, there would be a complete breakdown; that is to say, that the Ministers of to-day might refuse to carry on in view of the action taken by the Governor-General, and that the Governor-General might find himself unable to get any other Ministers. What is your view as to what would happen in a case like that? Do you contemplate that there would always be other Parties, or almost always, or do you think that in a case like that, there would be no other Party to take the place of the predominant one?—I think there would be alternative Parties.

5010. You think the possibility of the Governor-General having to take over the whole administration himself, as took place in some of the Provinces in recent years, is unlikely?—I think so, yes.

5011. Then, on another question, if you have not already answered it, your Memorandum does not refer in any way to details in connection with Second Chambers. Have you considered the question of the desirability of Second Chambers in the Provinces?—I have considered that in connection with Burma

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and I came to the conclusion that a Second Chamber was desirable.

5012. Have you considered it at all as regards the White Paper proposals?—No. The conclusion I arrived at in respect of Burma I think would apply also in respect to Indian Provinces.

5013. You are not able to give, for example, an answer to this question, perhaps, if you have not considered it sufficiently; that is, that clearly the establishment of a Second Chamber would mean extra expense. What I ask you is whether you would be so strongly in favour of the Second Chambers that you would insist upon them, whatever the expense?—No, I do not go as far as that.

5014. But, generally speaking, you are in favour of them?—Generally speaking, I am in favour of Second Chambers in the Provinces.

5015. Then a few minutes ago you said that the question of bringing Federation into being, must be subject to Finance?—Yes.

5016. May I take it that your view is that your recommendation would be that the scheme as a whole should be set up, but that the bringing of it into operation must wait until the various factors have all been worked out?—I think that is inevitable.

5017. You cannot place any limit of time upon it?—Absolutely none.

5018. Then, a few moments ago, you referred to a question asked yesterday regarding taxation, and it was said, I understand, that the taxation in India was the lowest in the world?—I did not say that.

Chairman.] It was a previous Witness, and the question was asked whether he agreed, and Sir Charles said he did not agree.

Sir John Wardlaw-Milne.

5019. If I have given the impression that you said that, let me correct it at once. It was given in evidence this morning that the taxation per head was the lowest in the world?—In any case, taxation per head I do not think means very much, because the burden of taxation is necessarily a relative term.

5020. What I want to clear up is this, that per head of the population, irrespective of what the possibilities of taxation are, taxation is very low in India?—It is. It is much higher in Burma than in any other Indian Province. As an absolute figure, it is a low figure.

5021. It is probably the lowest in the world?—I quite agree.

Lord Eustace Percy.

5022. Sir Charles, you speak in your Memorandum of the change of opinion and the political conditions in India during the last few years, since 1919?—Yes.

5023. Does that change of feeling include a great growth of particularist feeling between the Provinces?—Undoubtedly, yes. Bengal is getting very much up against Bombay in these days.

5024. That would be accentuated, presumably, by Provincial Autonomy?—Yes, undoubtedly I think it would, as local patriotism more and more develops.

5025. And it will become more and more necessary to have some strong unifying influence at the Centre?—I should not say the local patriotism would go so far as to become animosity, I think there would be rivalry between the Provinces, but there would not be animosity between them.

5026. The only other point I should like to ask you is this: It has been frequently urged that under the proposed Constitution in the Provinces, the Governor would find it very difficult to keep himself sufficiently in touch with what was going on to be able to intervene when his intervention was necessary. I gather you do not agree with that view?—That point has never bothered me very much. In the first place, the Governor can make his rules business, and, in the second place, nobody is going to tell me I could not keep in touch with my Heads of Departments, if I wanted to.

5027. But in your rules of business, could you make any specific provision on paper which would give your Secretaries the right of access to you?—Secretaries, probably, yes, though I should always have them up with the Ministers, as they do at present. I do not think I would make any particular rule about the Head of a Department having a right of access, but, at the same time, I should always be perfectly confident of keeping in touch with my Heads of Departments.

5028. Would you make any rule as regards the Inspector-General of the Police?—No, I would not, myself. If I wanted my Inspector-General of Police, I should play golf with him, or get at him in some way like that; I should always keep in touch with him.

5029. But would he feel that he would like to play golf with you on his own initiative, if he had something to say to you?—I would have an understanding with him on that point.

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[Continued.]

Sir *O. P. Ramaswami Aiyar*.

5030. You were asked certain questions about Malabar; you know the conditions in Malabar very well, is that not so, Sir Charles?—Yes, I know them very well.

5031. You were asked certain questions with regard to the Mopla rebellion. You have kept in touch with the events which led to that rebellion?—Yes, to a certain extent.

5032. Would you regard the occurrence of the Mopla rebellion as a disqualifying factor in the matter of responsibility for Law and Order being transferred?—No.

5033. You are aware that during the late part of the Mopla rebellion and in order to deal with the subsequent effects of that rebellion, there were Indian Members of the Executive Council in Madras?—Yes.

5034. And did you, from your general experience, find that the two or three Indian Members of the Executive Council who dealt with the effects of the Mopla rebellion displayed any particular weakness or pusillanimity in that matter?—I was a member of the Governor-General's Council at that time, but I never heard that they did.

5035. You were also asked certain questions regarding the Ottawa Agreement?—Yes.

5036. You are aware that the Members of the Governor-General's Council who were negotiating on the other side were Indians, when the Ottawa Agreement was concluded?—Yes.

Begum *Shah Nawaz*.

5037. In your Memorandum you say that "Indian women are coming out of purdah and dining and playing tennis in public." May I ask you whether this awakening amongst Indian women is not confined to the social side only, but that women in almost every Province are taking an active part in education, political progress, and the social advance of their countrywomen?—I only mentioned those two points as instances of the change that is coming over India. Of course, there has been a tremendous advance among Indian women in recent years in all Provinces.

5038. Is it not a fact that most of the demands that are now being made for more girls' schools, for colleges, maternity hospitals and welfare centres, are being made on behalf of Women's Associations that are very well organised and have different Committees working in different Provinces, and in many big towns and

cities?—I cannot answer that question because I have only experience of Burma, but we did have Women's Associations, Councils of women, and so on, which did very useful work in that line of country.

5039. Now coming to the political field, I suppose, Sir Charles, that you are aware that in almost all the mass movements which have been organised recently all over India, Congress, Ahrar, the Frontier movement and others, women have taken a leading part; even amongst the Mussulmans, that is the Ahrar movement, there have been two women dictators?—I did not know that, but I am quite prepared to take your word for it.

5040. And even in the Akali movement among the Sikhs. That shows, does it not, that there is a tremendous awakening amongst the women of India, not only in the social and the educational sphere, but in the political sphere also?—I should say there had been an awakening; I should not say a tremendous awakening.

5041. Why is it that whereas woman is considered a conservative element almost everywhere else in the world, in India there are beginning to be such extremists? Could you give me the reason?—I do not know.

5042. Is it not because women are suffering from such grave social disabilities?—I think I must take refuge in the fact that the women of Burma have no social disabilities.

5043. Are you familiar with the Report of the Age of Consent Committee? No; it has no effect in Burma; I was not interested in it.

5044. Do you know that, according to the figures given in that Report, from 2 to 5 lakhs of girls under the age of five marry, 63 lakhs under the age of ten, and a crore of women under the age of 15?—I am quite prepared to take your word for it.

5045. In the light of all these figures, do you not think the Sarda Acts were long overdue?—I do not think I can undertake to discuss the Sarda Acts.

5046. Now supposing there had been a Legislature with no officials in it, and supposing Indian women had enjoyed to a very large extent, and had had their full voting strength, would it not have been possible for them to extract such promises as the women of England did in 1919 from Mr. Lloyd George and Mr. Bonar Law, and that it would have been quite easy for them to have such a part

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in the Federal Assembly without any such agitation against it, as did take place after the passing of such an Act?—I am afraid I do not follow the question; in any case, I think it was a hypothetical one.

5047. I was just trying to show, and this was my point, that what you said this morning, I think in reply to Major Attlee, was that social legislation could not be introduced on a very large scale by a foreign Government, and if there was a popular House where there were elected members, it would be possible

for them to take strong measures for removing the evils in society. That is my point, and I am glad you agreed with it, as you did, in reply to Major Attlee. I think it was Lord Rankeillour who said, why is it that when the Legislative Assembly has got the power, social legislation has not been introduced on a large scale? May I ask you, Sir Charles, whether it is not a fact that it is because the Members of the present Legislative Assembly have not got the women to pull the wires from behind?—I cannot answer that question.

(After a short adjournment.)

Dr. Shafa'at Ahmad Khan.

5048. Sir Charles, in reply to a question by Sir John Wardlaw-Milne regarding the bringing into operation of the scheme in the White Paper, I believe you said that a scheme cannot be brought into operation until the finances, both of the Provinces and of the Centre permit. Am I right in inferring this from your reply to Sir John?—I was referring to what is said in paragraph 32 of the Introduction to the White Paper.

5049. I was referring only to your statement and not to the paragraph at all?—What I had in mind was that paragraph 32.

5050. Could you tell me whether a scheme which had been framed for the last three years in the Round Table Conference, both for the Centre and for the Provinces, should be hung up until the finances of the country permit? Am I right in inferring this both from the paragraph and your statement?—As I say, I adhere to what is said in paragraph 32 of the Introduction to the White Paper.

5051. You do not go beyond that?—No, I do not go beyond that.

5052. Am I right in inferring from your reply that you were very strong on the question of investing the Governor with the power to safeguard the financial stability of the Province. Am I right in that?—No, I did not say that.

5053. But you do advocate that the Governor should have the power to safeguard the financial stability of the Province?—I did not say that. What I said was I thought in the Provinces the Constitution ought to provide for a proper Finance Department, and that Department should have the right of access to the Governor. That is as far as I went.

Sir A. P. Patro.

5054. As it is to-day?—As it is to-day.

Dr. Shafa'at Ahmad Khan.

5055. Yes. Regarding the various parties which, Sir Charles, in your opinion, would make the reforms a success, am I right in inferring from your replies to various questions put to you, that, at the present time, if the party which is co-operating in making the White Paper scheme, with certain modifications, a success, is not given anything, the position of the members of that party in India will be very difficult indeed. I have in mind the Provincial Legislatures and the Central Legislature and other parties which are supporters generally?—I am not sure that I altogether follow your question, but I do hold very strongly that it is essential to try and enlist public opinion in India on our side, and my general view is that the White Paper proposals should have that effect.

Sir Abdur Rahim.

5056. I think you said, in answer to a question put, I believe by Lord Salisbury, that the proposals in the White Paper constituted a step in advance—a stage on the way to the ultimate goal, that is full responsible government?—Yes.

5057. May I know what are the other measures wanting in order to give us full responsible government?—Obviously you cannot have full responsible government until India is capable of taking over its own defence, external affairs, and other things which are reserved at the moment.

5058. As regards the Provinces, is there anything which you say is wanting to give full responsible government in the

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Provinces?—For the moment I consider what is generally known as Provincial autonomy should be limited to the extent proposed in the White Paper, namely, by placing certain safeguards within the competence of the Governor.

5059. So the next step to take, in order to obtain full responsible government in the Provinces, would be the elimination of safeguards. Is that it?—I would not put it as elimination. I would say that the next step would be when, by disuse, the safeguards fell into desuetude.

5060. Then there need be no constitutional provision for the next step?—None at all.

5061. And you drew a distinction between full responsible government and Dominion self-government. I should like to have your views on that?—I do not think I drew any distinction. What I said was that the goal before India was that India should have full responsible government within the Empire, and when she had attained full responsible government within the Empire, then I hold that she would have the same status as the other Dominions of the Empire.

5062. That would be Dominion self-government, would it not?—If you like to call it by that name.

5063. There is really no distinction between the two?—That is right.

5064. You said that there is a body of opinion in India in favour of the White Paper. I think you said that, did you not?—I said I thought that once the White Paper had been approved and put into effect by Parliament, there would be an increasing body of opinion in India in favour of it.

5065. At the present moment can you tell us the state of public opinion in India regarding it?—No.

5066. Are you prepared to express any definite opinion regarding the need, or otherwise, of Second Chambers in Provinces, other than Burma?—I said that, on general principle I was in favour of Second Chambers in all Provinces, but I am not prepared to go further than that.

5067. You cannot deal with the special conditions of other Provinces?—No, I would rather not.

Sir Hari Singh Gour,

5068. Sir Charles, it has been stated, in answer to a question put to you this morning, that increased expenditure means increased taxation. Does not that statement require to be qualified, because

increased expenditure might also come out of the economies effected in the Government's present expenditure?—Speaking for my own Province we have carried retrenchment, I think, to the absolute limit.

5069. Were you only limiting the reply to your Province, or making a more general statement applicable to the whole of India?—I cannot speak with authority for any Province but my own, but, as far as I know, every Province in the last two or three years has been compelled, of necessity, to go in for the strictest economy and the strictest retrenchment. We certainly did that in Burma, and I doubt very much whether there is much scope for further retrenchment, at any rate, in my own Province.

5070. Would not further retrenchment depend upon the trend of policy?—I do not know what you mean.

5071. For example, the civil and military expenditure. The military expenditure would depend on the long insistent demand by the Legislative Assembly for the Indianisation of the Army, that began in your time, when you were in the Governor-General's Executive Government?—Then other considerations would come into play.

5072. They may?—They would.

5073. But I am speaking of the possibility of retrenchment under the existing heads?—The difference between us is that I do not believe that there is any possibility for much retrenchment in that particular respect.

5074. Consistently with the continuance of the present policy?—No; consistently with the safety of India.

5075. That was a statement that was made on behalf of the Government when one of us moved what is known as the Inchape Committee Resolution, that there was no scope whatever for retrenchment. Do you remember that?—No; I cannot remember all those details.

5076. It has been said, I think by you in reply to a question, that taxation in India, per head, is low?—I said absolutely low, but not relatively low.

5077. Will you please explain the meaning of the words "relatively low"?—Relatively to the resources of the people in India—their income per annum, and so forth.

5078. Is it not a fact that the bulk of the taxation comes out of the middle classes and the upper classes?—I suppose it is because the poorer people do not use so much of the imported goods which pay

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the Customs duties, so I suppose what you say is correct.

5079. The income tax is also paid by a very limited few, about 350,000 or thereabouts?—Yes.

5080. As regards the statement you made just now that full responsible government, approximating to or equivalent with Dominion status, implies the management by a Dominion of her own defence, is that the case with Canada or Australia, or South Africa, at the present moment?—At any rate, there are no British troops in those countries.

5081. That is what you mean?—Yes, that is what I mean. I was not referring to the Navy, if that is what you mean.

5082. You were not referring to the Navy or the Air Force?—No. I am not sure about the Air Force, but I was not referring to the Navy, at any rate.

5083. You are only referring to the land forces?—The British troops.

5084. Is it not a fact that the British troops continued to remain in South Africa, Canada and Australia?—Only for a short time, I think.

5085. And they were paid for by the Imperial Exchequer and not by the Dominions Exchequer?—I cannot answer the question. I do not know.

5086. What are your reasons for advocating the institution of Second Chambers, on general principles, in the various Provinces of India other than your own?—As a check on precipitate action on the part of the Lower House, and as a revising Chamber.

5087. If you have a Second Chamber, would not you, to that extent, modify the special responsibility and special powers of the Governor?—No, I do not think I would. I should regard the Second Chamber as supplementing, or reinforcing, those special powers and making, as I hope, less occasion for the Governor to exercise those powers. After all, nobody wants the Governor to exercise those powers.

5088. As regards the question which was put to you just now by my friend, Sir Abdur Rahim, namely, that there will be a growing acceptance of the White Paper proposals in their present form by the intelligentsia of India, may I ask you whether there is any body of the intelligentsia of India at the present moment that has accepted the White Paper proposals as they exist?—I have not really kept very much in touch with it, but my belief is that when the White Paper proposals have been considered by

this Select Committee, and Parliament has taken its decision on them, and when Provincial autonomy has been instituted in the Provinces, more and more of the intelligentsia will be interested in the administration of their own Provinces, and their attention will be diverted from these Communal questions.

5089. That is your opinion?—That is my opinion.

5090. For the future?—For the future.

Mr. Rangaswami Iyenger.

5091. I want to ask you one or two questions with regard to the question of Central responsibility? You were elaborating the point of view that Central responsibility is necessary in accordance with the scheme of the White Paper, and along with Provincial autonomy. On political grounds I want to take you to the other, what may be called, economic and financial ground, because you were connected with economic and financial matters when you were in the Government of India and the Madras Government. You were Director of Industries in the Province of Madras for some time, were you not?—Yes.

5092. And you were Member in charge of Commerce and Tariffs and Railways in the Government of India for a long time?—Yes.

5093. It has been put to us that a scheme of Provincial autonomy pure and simple, without central responsibility, would give Indian Ministers full scope for the development of nation building services with which the masses are primarily concerned, and that the Central subjects are such as would not interest or affect the masses. I want you to answer a few questions in regard to the need for Central responsibility, with a view to enable these Indian Ministers to discharge their functions in respect of nation building services. You know that the principal nation building services in the Provinces are Education, Medical relief, Public Health, Agriculture and Industries. Is not that so?—Yes.

5094. And they all require expenditure?—Yes.

5095. You will agree that the necessary funds for these purposes cannot be provided on any substantial scale, unless there is an appreciable improvement in the economic condition of the people?—Yes.

5096. And in regard to agricultural industries, you will agree, that, apart

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from the problem of increasing population, the improvement of the economic condition of the people will also largely depend upon the development of agriculture and industries?—Yes.

5097. Can you tell me, from your experience, what are the principal factors that govern the development of industries and agriculture, and by what methods the Government can stimulate industries in India?

5098. If you want my views on that question, my own view is that the Government can do very little to stimulate industries, except, possibly, by way of tariff protection for certain industries. I doubt very much whether any Government can really start a new industry in India by its own motion, and can make that industry a success. I can give you one or two exceptions to that rule, but, generally speaking, that is what I believe. Industries are things that must grow in response to wants. In India, owing to the general poverty of the people, there are so few wants for industry to supply.

5099. What I am asking you is whether, so far as the State in India is concerned, the principal methods by which the State can help the development of industries in India are by means of tariffs, transport facilities, and credit facilities?—I agree what the Government can do is to create conditions.

5100. And, therefore, these are all matters in which you should have responsibility in the Centre, if Ministers are to carry on their duties for nation-building in the Provinces?—Yes, to a certain extent, but my general view is that the most the Government can do for commerce and industry is to create the conditions in which commerce and industry flourish.

5101. Then there is only one other question on which, I think, I should like to remove a little misapprehension. You were stating that the scheme of reform, whether in the Provinces or in the Centre, could not be started until the finances improved. Do you mean that the financial arrangements at present should be reorganised in a manner that will enable these Constitutions to function, or do you mean that the Indian Government should get very much more Revenue, whether at the Centre or in the Provinces, before it could start these Reforms?—As I said

before, I have in mind paragraph 32 of the Introduction to the White Paper.

5102. That is the conditions in respect of stabilising Finance, or providing financial safeguards?—"That the Indian budgetary position should be assured, that the existing short-term debt, both in London and in India, should be substantially reduced, that adequate reserves should have been accumulated, and that India's normal export surplus should have been restored."

5103. I agree those are the conditions put down in the White Paper in regard to the transfer of financial responsibility at the Centre?—May I explain that I have more in mind the Centre than the Provinces. I imagine that Provincial Autonomy could be started.

5104. You agree that so far as the financial resources and needs of expenditure are concerned, they will be, more or less, the same, whether the present Constitution functions or confederation functions, except to the extent of providing the additional machinery under the Constitution for new Ministries and the Legislature?—Yes, but, of course, when you get a properly democratic Constitution in the Provinces, you have got to remember that a democratic Government is always an extravagant Government.

5105. And, therefore, they have got to foot the bill?—They have got to foot the bill, if they want to improve their nation-building Services.

5106. Therefore, it is for those who establish the Federal Constitution who have to find out what sources of taxation the new democracy will find when it asks for new expenditure?—If you are referring to the Provinces, yes.

Mr. M. R. Jayaker.

5107. Sir Charles, you were a Member of the Viceroy's Executive Council for five years?—Yes.

5108. And you saw the working of the Central Legislature, the Legislative Assembly, at a very near distance?—I did, yes.

5109. Is that the basis of your remark in your Memorandum that an irresponsible Executive confronted by a powerful Legislature makes a very bad form of Government?—I think it certainly tends to irresponsibility on the part of the Legislature.

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5110. Do you share the view of some Indians who were at the same time with you on the non-official Benches in the Central Legislature, that this present system of Central Government has almost reached the limits of usefulness?—I think if you have a Provincial Autonomy in the Provinces, then I think, probably, the balance of advantage lies in introducing the degree of responsibility, suggested by the White Paper, in the Centre more particularly, because that is the only way in which you can bring in the Princes.

5111. You said you had studied the White Paper by reading it three or four times. Would it be right to describe it as a scheme of abdication and surrender of British rights?—Certainly not.

5112. Would you call that a gross misdescription?—A gross misdescription.

5113. Then I come to the last point. You were asked about indirect election, and you said your own leanings were towards indirect election, but you said that as the question had been practically agreed upon at one of the Committees of the Round Table Conference, you would not take the contrary view?—Yes, that was, more or less, my view.

5114. Would you tell the Committee that the present election to the Central Legislature is a direct one?—It is, yes.

5115. And if an indirect election were substituted now, educated public opinion in India would regard it as a retrograde step?—Probably that is the reason why the Round Table Conference came down in favour of direct election.

5116. But you do hold the view that it would be regarded as a retrograde step?—Therefore, the Indians might take that view, yes.

5117. Then you were asked a question which suggested that the increased taxation brought about by the new proposals would cause unpopularity. Would you face the risk of that unpopularity, rather than the unpopularity caused by shelving the present scheme?—Yes, I agree.

5118. You would prefer that?—Yes.

Sir Tej Bahadur Sapru.

5119. Sir Charles, am I right in saying that you have had considerable experience both of Southern India and of Northern India?—I have had considerable experience of Madras and I have had experience of the Government of India at Simla and Delhi.

5120. As a Member of the Executive Council of the Viceroy, I suppose you

came into touch with a large number of Indians from all parts of India?—Yes.

5121. And you had to tour about, too, at certain times of the year?—Yes.

5122. To important centres like Calcutta, Bombay, Madras and Cawnpore?—Yes.

5123. So that I am right in describing you as a very modern administrator?—I thought you said "moderate"!

5124. I am quite willing to treat you as a moderate administrator of modern times?—Certainly I have had recent experience.

5125. And you retired only in December last?—I have not retired yet; I am on leave, preparatory to retirement.

5126. You left India in December?—Yes.

5127. And you joined the Viceroy's Executive Council just a few months after the start of the Montagu-Chelmsford Reforms?—Yes, in September, 1921.

5128. And at that time the Legislative Assembly consisted mostly of what are known as Moderates in India?—Yes.

5129. That Assembly was followed by another Assembly which was composed mostly of the Swarajist Members?—Yes.

5130. So that you have seen both the Moderates and Swarajists, or the more advanced politicians, at work in the Assembly?—Yes.

5131. I take it that your view is (if I am wrong, I hope you will correct me) that whether it is the Moderates or whether it is the Extremists who are in the Assembly, it is a very unsatisfactory position for six or seven Members of the Executive Council to be pitted day after day against an overwhelming majority of elected Members?—Yes. One got inured to it, but it was not very pleasant.

5132. I believe you are very much interested in the welfare of the masses of India?—Very much so, yes.

5133. And you are not particularly anxious to satisfy the political ambitions and aspirations of the educated classes if it leads to the sacrifice of the interests of the masses?—True.

5134. Taking a broad view of the whole Constitution as embodied in the White Paper, do you think that it endangers the interests of the masses?—No; I think, as I have said before that, considering the whole problem, the balance of advantages is decidedly in favour of the White Paper. I do not consider that it will endanger very seriously the interests of the masses.

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[Continued.]

5135. And if you thought that it endangered the interests of the masses, you would not be prepared to support the White Paper?—No, I do not think I would.

5136. Now as regards the relations between the educated classes and the masses, will you please tell the Committee what are the matters in which the educated classes have been mostly interested in the Provincial Councils, or in the smaller Legislatures. Do they take an interest in matters affecting their own interests, or do they take an interest in matters affecting mostly the masses and the general population in the villages?—Of course, their main interest, I think, was in political advance. Putting that aside, then I found the Members of the Legislative Assembly very sincerely interested in the interests of what you call the masses. For instance, I remember they welcomed very much the Workmen's Compensation Act, and things of that kind.

5137. I suppose in your time you had something to do with Labour Legislation, too?—Yes; I had a good deal to do with Labour Legislation at one time.

5138. What was the attitude of the representatives of what are called the educated classes in regard to the Labour problem in your time?—I think they generally followed Mr. Joshi, who was the Labour Member.

5139. Were they opposed to Labour interests?—No; I think they had a very reasoned view of the whole thing.

5140. Now will you kindly turn to the second paragraph of your Memorandum, the fourth line, where you say: "Some of these changes astonish even men of my standing—Indian women coming out of purdah, and dining and playing tennis in public, and, most amazing sight of all, Indian peasants waiting on the roadside for the motor omnibus to take them to their market town." Now, first, will you kindly tell the Committee what was actually the position of the Indian women when you went to India, and what was the position of the women when you were in Delhi and in Simla and, later on, in Burma?—Generally speaking, when I went out to India first, you hardly ever saw an Indian woman—you certainly never spoke to one. Of course, it is very different now, as you know. When I went out to India, a peasant who wanted to go to market, either went in an ox-cart or on his feet; now he whisks in a motor omnibus at 40 miles an hour.

5141. You will not forget the cinema, too?—No.

5142. It is also a very strong educative factor?—Of course, it is.

5143. Now I do not say that the educated classes have always led the masses in the right direction; I will assume that they have misled them, but will you answer my question like this: Is there any touch now, or any greater touch, between the educated classes and the masses than there was thirty years ago, when you went there as a young officer?—I think it is rather difficult to answer that question; I do not quite know what you mean by "touch."

5144. Are they hardly so capable of influencing the masses now, as they were to a great extent when you went to India 35 years ago?—I think so, yes, because they have organised themselves more to do so.

5145. Will you now kindly turn to your Memorandum, because I would ask you to explain this a little more fully to the Committee. You say: "Such changes are bound to have far-reaching effects, but the change I have most in mind is the change in the mental outlook of the educated classes and the growth of political consciousness." What is the change in the mental outlook of the educated classes that you have in view?—I mean their tremendous interest in what is generally known as political advance. I will give you a concrete instance. When I was Collector at Malabar for five years before the War, I was also President of the District Board. That District Board consisted of 36 members, of whom 24 were non-officials, so I was in a two-thirds minority, I only had one-third of my own people behind me, yet in the whole of those five years I was never once overruled by the District Board; they were quite content.

5146. You had a very happy time?—A very happy time. I do not think it would be the same now; they take their own view; they rather oppose you, and so on.

5147. And that is what you mean, then, by the growth of political consciousness?—Yes, obviously.

5148. Now will you please turn to the passage in your Memorandum where you are instituting a comparison between the school of thought to which you belong and the school of thought to which Sir Michael O'Dwyer belongs, and I beg you to read your second paragraph there: "Thus the situation is a confused and

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[Continued.]

difficult one, and among people who like myself have spent their lives in India, there are two principal schools of thought on the question how best it can be dealt with. There is the school to which I belong, and I think it is fair to say that almost everyone who has held high administrative office in India in recent years also belongs to it. The present leaders of the British business community also belong to it. It is the school of thought which accepts in principle, though not necessarily in detail, the general scheme set out in the White Paper." I am not asking you of the serving members of the Civil Service, please do not answer anything with regard to them. Taking those members of the Service who have retired in the last five or ten years, since the introduction of the Montagu-Chelmsford Reforms, am I right in saying that the majority of them hold that there must be an advance, and a considerable advance, in the Constitution of India?—I do not put it higher than I have put it in my Memorandum, and I think it is fair to say, judging by the people who have signed the Manifesto of the Union of Britain and India, that is a fair statement. I do not profess to speak for anybody but myself.

5149. You were asked certain questions with regard to the pledges. Any statement made by the Viceroy, which is in the nature of a pledge or a declaration of policy, is attached considerable importance to in India by the educated classes?—Very much so.

5150. And you think, on political grounds and on grounds of expediency, it would be most unfortunate if the faith of the educated classes were shaken in any statements made by Viceroys representing the King-Emperor?—That is true.

5151. And you, knowing the Indian temperament and Indian thinking, would consider it most unfortunate if those pledges were not given the broadest possible interpretation, and if they were interpreted very narrowly or very closely?—I think it would be unfortunate, yes.

5152. I have only two more questions to ask you. When you were a Member of the Executive Council in the Government of India, what was your experience of the Indian officers who served under you?—Excellent.

5153. They were perfectly loyal to you?—Perfectly loyal.

5154. And you thought they would keep your confidence and secrets?—Oh, yes; I

had no complaints at all. I may mention one instance. I had an Indian Shorthand Writer for five years when I was Commerce Member, and for three or four years, when I was Governor of Burma, never once did my Shorthand Writer in any possible way, give away any of my secrets, and he had them all.

5155. It has been said here in very important quarters that it is very difficult to keep secrets in India, and that Indians cannot keep secrets. Now, as a Member of the Executive Council of the Viceroy and as a colleague of Indians, what is your opinion?—I do not know, but I used to hear stories now and then of leakage, but I never came across them myself.

5156. When you went to Burma who were the majority in the Legislative Assembly?—I forget what they were called then—was it the Swarajists?

5157. The Swarajist Party?—Yes.

5158. In your time there was a resolution moved by Pundit Moti Lal Nehru, in which the demand was made for certain Constitutional changes?—A Round Table Conference?

5159. A Round Table Conference?—Yes.

5160. Did that leave the impression on your mind, at that time, if those changes, or anything like those changes, could be brought about, even the most advanced politicians would settle down to constructive work?—It is difficult to say, but I think, possibly, it might have had that effect. I do not know, but I think you would have had to work through this preliminary stage.

Dr. Ambedkar.

5161. Sir Charles, you laid considerable emphasis on Second Chambers?—Yes.

5162. The reason that you gave was that it would mitigate the necessity of the constant use of the special powers?—No, I do not know that I said it would mitigate the necessity. I said that it would reinforce the special powers, and I hoped that the existence of the Second Chamber would make it unnecessary, or make it necessary very rarely, to use the special powers which nobody wants to be used.

5163. It is not your position that you would substitute Second Chambers for the special powers?—No.

5164. The second question I want to ask you is this: I think this morning you stated that there was nothing unusual in these special responsibilities,

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[Continued.]

and that you found them in some of the Constitutions of the Dominions?—I said there was nothing new in safeguards—I think those were my exact words.

5165. I want to put to you this: Is not there this difference between whatever safeguards there might be in the Constitutions of the Dominions and the provisions in the White Paper. I am sorry I cannot put the question in a short form, because I have to give some explanation of the position as I understand it before I can put this question. I think under responsible government it is never understood (at least, I do not understand) that the Governor is absolutely bound by the advice given by the Ministry. He can refuse to take their advice if he thinks that he need not take it, but then I think the next step that he can take is to form another Ministry which will support him in the particular view which he takes. If that Ministry does not take the view that he takes he can dissolve the Legislative Council and have a new Legislature elected, and if he then finds that there cannot be a Ministry constituted from the new Legislature he must yield. Is not that so?—Yes, that would, ordinarily, be the case, unless he thought it was so important that he should not do it.

5166. Under the proposals in the White Paper is not there this vital difference, that under the White Paper proposal the Governor will be in a position to overrule any and every Ministry?—Only in the exercise of his special responsibility.

5167. He will never be bound by the advice of any Ministry?—Just as on our side we are assuming that the Indian is going to work the constitution in a spirit of reasonable co-operation, so equally, I think you have to assume that the Governor is going to do his best to work the constitution in the spirit in which it was conceived.

5168. Yes?—I do not see why you should assume that the Governor will try to exercise these powers. I think every Governor will try to avoid exercising them as much as he possibly can.

5169. I am trying to bring out the difference between the two positions as I see it: the special powers do not give the Governor the power to overrule a particular Ministry with whose advice he disagrees?—I really do not know what you are driving at.

5170. The point I want to put to you is this, that the special powers which are to be given to the Governor are not

given in order that he may overrule a particular Ministry whose advice he does not accept; but the powers are given so that he may overrule any Ministry?—Exactly, because what he has got to do is to discharge certain special responsibilities. It is not a question of overruling a particular Ministry or not: it is a question of whether or not he has got to preserve that special responsibility.

5171. That is a vital difference between the safeguards?—That is exactly what I said: that the safeguards in India may have to be more precise and more defined because of certain facts. For instance, this communal trouble necessitates safeguards.

5172. I am not asking whether there are any grounds for it. I am trying to point out that there is a difference?—Yes.

Sir Hubert Carr.

5173. There is one question I would like to ask which does not actually arise in your Memorandum, but which is with reference to the services. Great stress has been laid on the necessity of maintaining the services, as far as possible, at their present high level, so that the Ministers of the future may have as good instruments to rely on as the counsellors of the past. In making provision for that, Clause 72 of the Introduction of the White Paper allows for a Commission, at the end of five years, to go into the question of, say, the security services. I was wondering if you would tell us, out of your experience, whether you consider such a provision would tend to be a steadying influence in the services, a satisfying influence or whether it would be a disturbing influence?—I do not quite follow.

5174. Would such a provision as a Commission at the end of five years to go into the conditions of recruitment have a good effect on the services during those five years: will it be gratifying to the services, or will it be an unsteady influence, keep them in a state of perplexity as to what is going to happen and perhaps react in a way which we do not desire?—I do not think the results of the Commissions of Inquiry will have any effect upon the men then in service. What the Commission will advise is whether the Secretary of State will go on continuing to recruit men for those services. I do not think it will affect the position of men actually in the services at the end of the five years. They

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[Continued.]

will have their rights under the other safeguard.

Sir Austen Chamberlain.

5175. Sir Charles, some of the witnesses who have been before us have laid immense stress on the importance of administration in India, in contrast with the satisfaction of any political aspirations. I was struck by a sentence in your Memorandum in which you say: "India used to be primarily an administrative problem. Now it is primarily a political problem." Could you a little develop the thought which is shadowed in that sentence?—What I had in mind was that the problem as it presents itself to us here, to His Majesty's Government is that in the old days we were chiefly concerned with education, health, and so on. Very largely we have handed that over to Ministers in the Provinces. Very largely we have already divested ourselves of our functions in those respects and handed them over to Indian Ministers; and the problem as it affects us most in England at the time is the political problem which has been created by the inception of the Reforms of 1919 and by the subsequent happenings. I regard that, from our point of view, as now taking precedence over the mere administration problem.

5176. Am I right in inferring that you feel that the peace and good government of India depend, now, more upon the political conduct of affairs than upon the perfection of administration?—Quite so, and, also, I think that in many ways in regard to what these gentlemen call nation-building services, I do not see any reason to suppose that they will not manage them very efficiently. In fact, I should like to mention that one of my heads of departments rather astonished me about two years ago by saying that, in no circumstances, would he return to autocracy; he preferred working with the Minister. That was one of my heads of departments.

Sir Abdur Rahim.

5177. Was he a European?—Yes.

Sir Austen Chamberlain.

5178. I gathered from your answer to me at the beginning of your examination that you, yourself, have done nothing to discourage the younger members of your family from giving their lives to India?—Nothing at all.

5179. Do you see any reason to fear, in the event of the general scheme embodied in the White Paper being carried into effect, that it would be difficult to attract the right class of Englishman to the service of India?—I do not think so because these younger people have got different ideas and a different outlook from men of my stamp. During my first 20 years, we more or less, ruled India and it is not very easy for us to accustom ourselves to the change, but there is a new generation of officers growing up in India who were brought up under a different system, in different circumstances altogether, and I think in that system, and in those circumstances, there ought to be ample scope for a very interesting and useful career.

Major Cadogan.

5180. Would Sir Charles's views be the same if the control of the Secretary of State of recruiting for the All-India Services was removed: would you give the same answer?—I, personally, hope that the Secretary of State will continue to recruit for a long time, and I am quite sure these gentlemen would be very wise if they agreed to it, but I can only say that in Burma we had our transferred subjects and we had rules and conditions of service drawn up and we made provision in those, with the full assent of the Ministers, for the continued recruitment of Europeans, and we continued to get them, and so even if, at the end of five years, the recruitment for these services is transferred to the Government of India, which I hope will not be the case, I think you ought to get a decent class of man from England.

Sir Austen Chamberlain.

5181. One further question on a different subject. In the Memorandum which the representatives of the European Association put before us there occurs this opinion: "The Association notes with some concern that no mention is made in the White Paper of the language of the Federation. It desires to place great emphasis upon the importance of securing in the Constitution Act that English shall be the official language of the Federation." Would you let me know whether you agree with that or not?—I should not think it is in the least necessary, because English is going to be the only possible language of the Federation.

(The Witness is directed to withdraw.)

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[Continued.]

Mr. K. V. GODBOLE (DEWAN OF PHALTAN) is called in and examined as follows:

Chairman.

5182. Mr. K. V. Godbole, you are Dewan of Phaltan and you are before the Committee on behalf of the various rulers whose names appear on your Memorandum?—Yes.

5183. Do you desire, at this stage, to add anything to your Memorandum or to make any statement?—No, nothing more than I have already put in. Memorandum No. 27 is as follows:

Chairman.

5183A. You have corresponded with me and I understand that you do not desire to be examined on Point 2 of your Memorandum, which deals with the allocation of seats. Is that so?—Yes, my Lord.

5183B. On the other hand, you have not had time to re-write your Memorandum, and you have therefore left in that part so that the Memorandum as a whole may read?—Yes.

5183C. May I ask you whether you wish Point 2 to appear in the published record of your examination?—Yes, I think so.

5183D. You would let it stand?—Yes.

5183E. Then if any of my colleagues or the Delegation desire to ask you questions on it, you understand they are at liberty to do so? If, of course, you withdraw it, then we should not be at liberty to do so?—I have not withdrawn it, but I do not wish to press it.

Sir *Joseph Nall.*] I would like to be clear as to whether the witness presents the whole Memorandum.

Chairman.] The witness presents the whole Memorandum, but I understand he does not lay emphasis on Point 2. In other words, he does not encourage examination on Point 2, unless any Member or Delegate feels it necessary to make such examination.

Sir *Joseph Nall.*] As I understand, he puts in the whole Memorandum as his statement and does not withdraw any part of it?

Chairman.] That is so.

MEMORANDUM (27) OF THE EVIDENCE PROPOSED TO BE GIVEN ON BEHALF OF THE RULERS OF AKALKOT, AUNDH, BHOR, KURUNDWAD SENIOR, JAMKHANDI, JATH, MIRAJ SENIOR, MIRAJ JUNIOR, PHALTAN AND RAMDURGA STATES IN THE SATARA AND S. M. C. GROUPS OF THE DECCAN.

The above-named ten States, on behalf of whom this evidence is being tendered, are all full-powered States in the Deccan. They have all recently been brought into direct relations with the Government of India through a common A.G.G., whose headquarters are at Kolhapur, the capital town of the premier Mahratta State of the same name. All these States have brilliant military achievements to their credit, and were members of the great Mahratta Confederacy before British connection. Since the advent of the British Rule they have been second to none in their loyalty to the British Crown. Among these States there are some who are very ancient in origin—one dating back to the fourteenth century; but, above all, the administrations of these rulers have been almost of the best type found in Indian States and they have been eulogised both by British officials and by the public. Their subjects are naturally culturally well advanced. They are, no doubt, small States. But it is desired to make one point clear here at the beginning. These rulers do not at all approve of the artificial division known as the "smaller States." They think that States can

only be classified by the powers they enjoy and not by their population, revenue or area. It is the same case as the small and big nations. No difference of status is conceivable because a nation is small in size or population. So also no distinction as regards status can be made between one full-powered Indian State and another on the ground of its size or population. This is the reason why there is no real and vital difference in the interests or points of view of the smaller States and the bigger States only on account of their size.

With these preliminary observations, it is desired to point out that these Deccan States enjoy powers almost without any restriction. Besides, they *inherit* these powers unlike some others in whose case it is a *new grant* by the British Government. The chief claim of these States is that their full-powered character—which in their opinion mainly counts so far as Federation is concerned—their reputation for good government, their historic importance and cultural superiority should receive due recognition when they are asked to join the proposed All-India Federation. It may also be stated here that many rulers

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[Continued.]

from the above States have been from the beginning strong advocates of an All-India Federation, as in their opinion it is the only solution of India's political difficulties, as also its only hope. They have made no secret of this view of theirs, but have openly declared it in public. Hence, when they venture to put forward certain claims and insist on their fulfilment, prior to their joining the proposed Federation, it will be recognised that they do so not in any spirit of antagonism to the Federal idea, but solely with a view that it should be based on equity, fairness and free consent of all the parties concerned. They think that if it is based on such solid foundations, the Federation has a much better chance of success in the end. It is hoped that these remarks at the outset will clarify the issues and avoid any misunderstanding regarding the suggestions made hereunder.

The main points on which evidence is desired to be tendered have been stated in the telegram sent to the Clerk to the Joint Select Committee on the 17th April. They are four: 1, The strength of the Federal Houses. 2, The question of allocation of seats therein. 3, The minimum number of States' accession necessary to initiate Federation; and 4, Other general matters.

POINT 1.

Strength of Federal Houses.

Upper House—the size of the Upper Chamber or Senate has been fixed at 260 by the White Paper. But for the purposes of allocation, it is only 250. The States, therefore, get 100 seats on the 40:60 basis. There is not much to urge against the proportion. But there is certainly much to be said for reconsideration of the number 260 fixed for the Upper House in the White Paper Scheme.

The idea of compactness, stability and workability have been put forward as reasons to limit the number as far as possible. But two things have to be remembered in this connection. The businesslike character of a Legislative House is not of the same kind as that of an Executive Body. A Legislative Body has primarily to be representative of all the interests and secondarily to be as compact and businesslike as possible without compromising its representative character. The insistence ought to be on representativeness first and compactness afterwards.

It has been admitted that the Upper House should represent the units of the

Federation and the Lower House should represent the nation as a whole (vide paragraph 399, page 157, Franchise Committee's Report, Vol. 1), and it cannot be denied that the units to be accommodated are numerous and the size of the country very large. It is not possible to believe that any unit—whether a British Indian Province or an Indian State—would send as its Representative an irresponsible member lacking in the characteristics required of him. This can be asserted with even more emphasis in the case of the States. For, their Representatives to the Upper House will come from the official ranks of their Governments and as such will necessarily be well versed in the art of administration and governance. In these circumstances there is no reason to fear that the Upper House will be flooded by irresponsible or unbusinesslike people.

But besides the above considerations, there is another one even more important. It has been admitted even in the White Paper Scheme that the two Houses will have equal powers except in two particulars, viz., Money Bills and Votes of Supplies. Such being the case, it is submitted that any great disparity in the numbers of the two Houses is not desirable. It can even be said that in the future growth of the powers of the two Houses, such a disparity of numbers may prove a disadvantage to the Upper House in keeping pace with the Sister House.

As is said above, the units constituting the Federation will be represented in the Upper House. It is also evident that the States will not enter Federation as one unit. It is, therefore, necessary to accommodate at least all the full-powered States in a way that will ensure their individuality in some degree. But this object cannot be achieved unless the Upper House is sufficiently large. To achieve this end, it is suggested that the Upper House should be enlarged from 260 to at least 310 if not more. This will make at least 120 members available to the States, 180 to British India and 10 for nomination by the Government (please refer to scheme given hereunder). Thus it will be seen that the increase in numbers sought is only 50 and is not therefore much.

Lower House.—The Lower House is to be representative of the whole nation and its various interests as distinguished from the Upper House where only the units constituting the Federation are to be represented. Looking to the vastness of the country and the variety of in-

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[Continued.]

terests it is believed that the number fixed by the Franchise Committee, viz., 450, is an irreducible minimum. Even with this number an average constituency would cover an area of 3,500 square miles and will contain 750,000 people. Of course, it will be evident that these figures are worked out on an All-India basis and do not refer to British India alone.

POINT 2.

Allocation of Seats.(a) *between British India and Indian States.*

It does not appear desirable to urge anything against the allocation of seats between the States on the one hand and British India on the other made in the White Paper scheme. For, the proportion of representation fixed in both the Houses is a fair allotment. Besides that proportion has now been practically admitted by all the parties.

(b) *between States inter se.*

But the allocation of seats *inter se* among States presents more difficulties. His Excellency the Viceroy has put forward an illustrative scheme of allocation on behalf of the Government. An alternative scheme has been suggested and submitted to His Excellency the Viceroy by the Rulers on whose behalf this evidence is proposed to be given. That

scheme, together with its annexures, is appended herewith, as an Accompaniment to this Memorandum. In that scheme the principles on which it is based and the reasons for the few variations from the Government's scheme have been fully set out in the explanatory note attached to it. But in view of the enlargement of the Houses urged above (point 1) a new scheme of allocation based on the same principles as the first one submitted to His Excellency the Viceroy but differing only in the number of seats allotted to individual States is submitted herewith and given at the end of this paragraph, on the assumption that the strength of the Upper House will be increased to 310 and of the Lower House to 450. From that scheme given below it will be evident that all the full-powered States are given at least half seat in the Upper House. Now if this can be achieved, it will certainly contribute to the satisfaction of the main section (constituting more than 90 per cent.) of the States' quota in the Senate, viz., the full-powered States. For, each of them will thus get the nearest approach to individual representation which has been their goal from the first. It further leaves unaffected the plural seats of the very big States, many of whom were willing to accept only one seat along with other smaller but full-powered States.

*Allocation of Seats among States inter se on the assumption that the strength of the Upper House will be INCREASED TO 310.**

Aggregate number of Seats.	Number of Seats for each State.	States.	
5	5	1 State—Hyderabad...	} Full-powered.
12	3	4 States enjoying salute of 21 guns	
24	2	12 States (5 States enjoying 19 guns and 7 States enjoying 17 guns).	
23	1	23 States (6 States enjoying 17 guns and 17 States enjoying less than 17 guns).	
46	$\frac{1}{2}$	92 States (with or without any salute).	
Total 110		132 States.	
10 All the remaining States (with or without any salute).	} Non-full-powered.
Grand Total 120			

* Another scheme of allocation is given in the Annexure to this Memorandum which is based on the assumption that the strength of the Senate will be only 260, as stated in the White Paper.

Note.—The term full-powered State may not perhaps be quite clear to all. It is therefore desirable to state the exact sense in which it is used here. The late Lord Chelmsford, while Viceroy of India, laid it down (vide page 24 of the Proceedings of the Conference of the

Ruling Princes and Chiefs held in January, 1919) that the power of capital punishment or, in other words, of life and death, should be considered the test of full powers. To be more precise, it may be said that the power of capitally sentencing offenders who are subjects of

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the State without requiring confirmation by the political authorities should be regarded as a test of full internal sovereignty. The two possible grades in full powers can be. (1) The conferment or recognition of such powers in the treaties, engagements or sanads as the case may be; (2) Later conferments. The first of these two classes deserves to be given precedence. It may further be added here that powers originally enjoyed but held in abeyance for a time, do not deprive a ruler of his full-powered status, (vide Remarks of Lord Chelmsford at the Proceedings of Princes' Conference just referred to).

POINT 3.

The minimum number of States' accession necessary to initiate Federation.

The White Paper lays down in paragraph 12 of the introduction that Rulers of States representing not less than half the aggregate population of the Indian States and entitled to not less than half the seats to be allotted to Indian States in the Federal Upper Chamber must join to bring Federation into existence. Now it is evident that the full-powered States will absorb more than 90 per cent. of the seats allotted to the States. These States will all be, to some extent, individually represented in the Upper Chamber. While, therefore, the condition about half the States' population is unobjectionable, it is thought desirable that the accession of half the number of full-powered States should be substituted as a condition in place of the condition of half the seats. Thus, assuming that the number of full-powered States is 130, at least 65 States' accession should be made a condition precedent to the initiation of Federation. This is specially to be insisted on as the assertion of individuality of every unit is the key of the composition of the Upper House. If half the number of seats is made the standard, then the adherence of only the first 26 States in India will be enough to bring about Federation according to the Government's Scheme of allocation, when the total number of States exceeds 600 and that of full-powered States is about 130. Further, it has often been suggested, especially on behalf of the princes, that if the Federal legislature is given powers to entertain any proposal involving a change in the constitution or in any of its important details, then a special majority for the passage of such a motion in the legislature should be

required.* Now this Safeguard is regarded as reasonable as the elements of consent and the greatest measures of agreement are considered to be the mainstay of the Federal Scheme. If the factors of free consent and agreement are thought necessary, even in later stages of the working of the constitution, how much more then is it necessary to insist upon the fulfilment of these factors when a new Constitution is desired to be made applicable for the first time, and especially when such an experiment is regarded as the most novel of its type ever undertaken.

POINT 4.

Other General Points.

Such general points, if any, will be dealt with when giving the evidence.

The Ruler of Bhore's views on the above points are identical with the views of his brother rulers of the Satara and S.M.C. Groups on whose behalf this evidence is being tendered. There is only one small detail, in which the Ruler of Bhore's views are slightly different. Other rulers consider that the test of salute guns, especially in the lower orders, is not always a correct indication of the importance of a State, and they are of opinion that "full powers" is the only correct test. The Ruler of Bhore, while agreeing generally with this statement, believes that wherever there are full powers coupled with salute guns, the position of the State becomes superior to that of any State enjoying only one of these two qualifications. The Ruler of

* A Special Committee of Ministers of Indian States was appointed in March last in Delhi to consider the proposals contained in the White Paper. Among the Safeguards suggested by them, the first was this: SAFEGUARD 1 (a) "Any amendment to the constitution shall require special majority of two-thirds of the entire House at a Joint Session of both the Houses if a bicameral legislature is agreed to." But the Ministers' Committee added the following comment to it: "The intention of this Safeguard is fulfilled because the Federal Legislature has no power to amend the Constitution Act. . . In case the Federal Legislature is given power to amend the Constitution, the procedure of this Safeguard should be insisted upon. But so long as the power to amend the Constitution is retained by Parliament, the Safeguard is unnecessary, because its purpose is fully covered."

3^o *Julii*, 1933.]

[Continued.]

Bhor has therefore suggested an alternative scheme for allocation of seats among States *inter se* in the Senate, which is based on this slight variation of views. That scheme is given hereunder at the end of this paragraph. It is evidently based on the assumption that the Upper House will consist of 260 members only

as proposed in the White Paper. It is an alternative to the Government's illustrative scheme and also to the scheme submitted by the Ruler of Bhor's brother rulers in the Satara and S.M.C. groups contained in the Accompaniment to this Memorandum of evidence. The Ruler of Bhor's scheme is as under:—

Alternative Scheme of Allocation of Seats in the Upper House SUGGESTED BY THE RULER OF BHOR on the assumption that it will consist of 260 Members.

Aggregate Number of Seats.	Number of Seats for each State.	Number of States.	Class of States.
5	5	1	Premier State of Hyderabad.
12	3	4	Remaining 21 gun States.
20 to 24	2	10 to 12	Five 19 gun States and five or seven 17 gun States.
23 to 21	1	23 to 21	Eight or six 17 gun States and fifteen States enjoying less than 17 guns.
20	$\frac{1}{2}$	40	Full powered Salute States next in importance to the preceding four classes of States.
13	$\frac{1}{4}$	52	Remaining full-powered States and non-full-powered Salute States.
Total 93 to 95 7 to 5		130	All non-full-powered States.

Grand Total 100

If the strength of the Upper House is enlarged to 310 then the Ruler of Bhor agrees with the Scheme (given above in this summary of evidence under point

2) of his brother Rulers of the Satara and S.M.C. groups framed on the assumption that it will be so enlarged.

ANNEXURE.

(A SCHEME OF ALLOCATION OF SEATS SUBMITTED TO HIS EXCELLENCY THE VICEROY.)

Proposed Scheme of Allocation of Seats among States inter se submitted on behalf of the Satara and S.M.C. Non-Chamber States in the Deccan.

UPPER HOUSE.

Aggregate number of Seats.	Number of Seats for each State.	States.	
5	5	1 State—Hyderabad...	} Full-powered.
12	3	4 States enjoying salute of 21 guns	
24	2	12 States (5 States enjoying 19 guns and 7 States enjoying 17 guns).	
21	1	21 States (6 States enjoying 17 guns and 15 States enjoying less than 17 guns).	
30	$\frac{1}{3}$	90 States (with or without any salute).	} Non-full powered.
Total 92		128 States.	
8	...	...	} Non-full powered.
...	...	... All the remaining States (with or without any salute).	
Grand Total 100			

LOWER HOUSE.

The allocation in the Lower House should be based mainly on population, subject to certain maximum seats.

EXPLANATORY NOTE.

The above scheme is respectfully submitted to His Excellency the Viceroy for favourable consideration as an alterna-

tive to the Government of India scheme, put forward on the 14th March, 1933. In his Presidential Address to the Chamber of Princes, His Excellency the Viceroy invited reasonable suggestions on the Government of India scheme. The Chief of Phaltan in his speech (which was not actually delivered but which was taken as read and incorporated

6^o Julii, 1933.]

[Continued.]

in the proceedings) in the Chamber on the Resolution about Allocation of Seats on the 25th March, 1933, indicated the principles which should guide any sound scheme of allocation. We the Rulers of the Satara and S.M.C. States in the Deccan fully endorse those principles and stand by them. In that speech the Chief of Phaltan rightly stressed the point that any attempt for a satisfactory scheme of allocation must be based on some definite and consistent principles, which are not the result of a desire to placate one section or the other, but are evolved out of generally accepted fundamentals. Up to now three schemes were proposed on behalf of our groups since the last year's Chamber session. Again in December, 1932, the Ruler of Jath State and the Dewan of Phaltan State, both of whom informally attended the third Round Table Conference, addressed, while in London, a joint letter to the Raja of Sarila—Representative of the smaller States—in which two alternative schemes of allocation for the Upper House were suggested. The same letter was officially submitted as a Memorandum to the Prime Minister, Lord Chancellor and the Secretary of State for India. The last attempt in this direction was made in the beginning of this year in a Representation submitted to His Excellency the Viceroy jointly by our two groups regarding five specific points connected with the New Reforms. On pages 7 and 8 of that Representation three alternative schemes of allocation have been submitted.

2. From all these attempts, it will be evident that our two groups have given their most anxious thought to the subject from the beginning. Besides, it will be apparent even to the most casual observer of all those schemes that in them the allocation in each House is governed by one distinct but cardinal principle, viz., *full-powers* in the Upper and *population* in the Lower House. The reason why we have adopted the principle of full-powers is that it has all along been our firm conviction that the proposed All-India Federation must consist primarily of autonomous units—whether British Indian Provinces or Indian States. This is a proposition to which no exception is likely to be taken from any quarter; and when it is once admitted it naturally leads to the other, viz., that preferential and substantial representation must

fall to the share of all full-powered States, formed into a few groups graded according to their importance. Basing as we do our schemes of allocation on such unshakable ground we feel confident that they deserve consideration at the hands of the authorities both in India and England.

3. The main object of submitting the present scheme is to show what reaction the Government of India scheme has had upon us and how it affects our views and schemes expressed so far; and we are glad to state that we have become the more confirmed in our views expressed above, viz., that the distribution of seats in the Upper House must be made dependent primarily on the enjoyment of full-powers and that in the Lower House on population. We should, however, like to make one thing clear at the outset. Full-powers is a word too comprehensive and therefore difficult of definition. We, therefore, suggest that we should be guided in this respect by the test laid down by Lord Chelmsford, so far back as in the year 1919, at the time of the establishment of the Chamber. That test, viz., the power to pass death sentence, should be made the only tangible proof of full-powers. To be more particular, the death sentence passed should not need confirmation by the political authorities, at least so far as the State subjects are concerned. The word "full-powers" in our schemes is throughout used in this specific sense.

4. We now go on to show in what respects the Government of India scheme is acceptable to us and in what respects we beg to differ from it. If a reference is made to the joint letter addressed to the Raja of Sarila, above referred to, it will be noticed that there is a remark in it, viz., "they (salute guns) are not an accurate indication of the importance or powers of a State, *especially in the Lower Orders.*" This remark, and specially the portion in italics, are very important and our reaction to the Government of India scheme is mainly in conformity with it. Our submission, therefore, is that we are prepared to accept the Government's scheme as far as 17 gun States are concerned and we are ready to extend our acceptance even to some very important 15 States, enjoying lesser salute, selected by the Government. But this is the utmost limit to which gun-salute and the importance of a State, signified mainly by the enjoyment of full-powers,

6^o Julii, 1933.]

[Continued.]

can be said to go hand in hand. Below that, as remarked above, gun-salute—a very variable and personal factor in itself—can never be any real indication of powers or importance. It may be interesting to note here that even Lord Chelmsford, in agreement with Mr. Montagu, had admitted that it would be unwise to base any fundamental distinctions upon the salute list and the real test ought to be the full-powers of internal administration. Hence we suggest that the right of *one seat each* should not be extended beyond the last 6 States of the 17 gun group plus only 15 more important States of lesser salute, selected by the Government. Beyond this limit the test of full-powers alone should be applied and all full-powered States with or without salute should be given $\frac{1}{3}$ seat each or even $\frac{1}{4}$, if the number of such States is found to be more than we have supposed. All non-full-powered States should have 8 instead of 6 seats as proposed in the Government's scheme, so that their position will be also be somewhat improved. We shall be glad even if it can be increased to 10 by cutting some seats allotted to the first three classes, viz., 21, 19 and 17-gun States. Our main objections to the Government's scheme are these:—

(1) Undue importance is given to a personal, variable and incidental factor, viz., gun salute. Hence this should not be the governing factor, at least in regard to States enjoying less than 17 guns.

(2) No account at all is taken of other factors like progressive forms of administration which will count much in the New Constitution. If special factors are taken into account in regard to salute States, it is submitted that they should be given the same importance in the case of non-salute States too.

(3) In the Government of India scheme full-powered and non-full-powered States are required to be grouped together which will be against the principles underlying the idea of Federation and will create great anomalies.

(4) The scheme does indirectly take into account the membership of the Chamber as a qualification entitling a State to a higher proportion of representation. This is against the repeated assurances given to us whenever we based our demand for direct

admission to the Chamber of Princes on this ground. Besides, such incidental, and in many cases anomalous, factors should not be made the basis for conferring permanent rights on States as such. For, rights of this kind cannot be treated on a level with personal and dignitary matters affecting the Rulers alone.

Our objections to the proposals of the Chamber are mainly the following:—

(1) While the Chamber objects to a personal factor like the gun-salute, it supports another anomalous and artificial factor, viz., membership of the Chamber. To this, we have submitted our objections above and therefore we need not repeat them.

(2) While the Chamber thinks that the salute test in the Government's scheme creates invidious distinctions its own scheme is open to the same objection by creating a distinction of a still more invidious character by preferring Chamber States to non-Chamber States.

(3) The Chamber pays no heed to the fact that some few full-powered States are grouped along with the numerous non-full-powered States in the lowest class, simply because they have not been fortunate enough to be members of the Chamber, although fully entitled to that right. The Chamber is only concerned to see that the Chamber States are not grouped with non-Chamber States. This reveals the Chamber's real intentions. For it is interesting to note that in the Resolution which they passed at their informal meeting on the 19th March, 1931, it was agreed as a general proposition that all full or practically full-powered States should be given individual representation. But when it came to actual distribution of seats the word "Chamber" has been substituted for the word "full-powered" States. To this change of views we want to draw the special attention of the Government.

(4) A strict adherence to the former dictum of the Chamber, viz., one seat to each member of the Chamber, has been proved to be impossible. The Chamber therefore wants to make the best of whatever is found possible and wants to give individual representation, or its nearest equivalent,

6^o *Julii*, 1933.] Mr. K. V. GODBOLE (Dewan of Phaltan).

[Continued.]

to as many Chamber States as possible to the exclusion of other full-powered States. Besides, in all schemes sponsored by the Chamber, or on behalf of the Chamber, no real provision seems to have been made for further admissions to the Chamber. This circumstance shows with what favour the question of new admissions is viewed by the Chamber.

(5) The idea of giving substantial representation (e.g., half a seat in either House) to all the full-powered States (in the scheme of the Chamber, the Chamber States) does not appeal to us. We think that the Governments of all the full-powered States must be adequately represented in the Upper House. For this purpose we would even venture to suggest that the strength of the Upper House should be increased still further. Another request which we want to make to the Government of India, and especially to His Excellency the Viceroy, is that in selecting the ten nominated members of the Upper House, four at least should go to the States, out of which, it is submitted that three should go to the small full-powered States falling under item 5 of the scheme of allocation in the Upper House given at the beginning. All minorities have been given a certain amount of weightage and it is but proper that the smaller but full-powered States should receive some favourable consideration, though perhaps not any weightage.

5. Taking into consideration all the above facts and arguments, we have submitted this scheme of allocation of seats. From this scheme it will be seen that in the Upper House we have tried to conform as much as possible to the Government of India scheme and to accommodate ourselves in it in as modest a manner as possible without deviating from our principles. There is no variation in the first three items and even after that there is as little of it as possible.

Mr. Y. A. Thombare.

5184. According to the criterion laid down in the White Paper, it would be possible for about 28 or 29 States to commit Indian India to an All-India Federation. Therefore, is not the position of the remaining States weaker to that

extent than that of the 28 or 29 States, as regards negotiation of the terms of their entry into Federation?—Yes, I think so.

5185. Do you not think that an outstanding feature of India is the large number of Sovereign States, which include a large number of States of comparatively smaller size?—Yes.

5186. Whatever their size, do they not enjoy equality in this sense, that they are not subordinate one to another?—Yes, quite so.

5187. When they enter into Federation this equality would disappear as regards internal affairs, as some would command a bloc of votes, and some would have to have only fractional representation?—Yes, that is bound to be the case.

5188. Therefore, do you think that the full powered States should have an adequate measure of representation in the Federal Legislature?—Yes. That has, all along, been the view that we have taken.

5189. Do not these States fully realise the essential unity of All-India, and do you not think that they would be prepared fully to support the policy of His Majesty's Government as regards Federation?—Yes; these States have all along done so.

5190. Do you particularly wish to emphasise that the position of the States you represent is a peculiar one with regard to certain features?—Yes.

5191. That, although they are not members of the Chamber of Princes in their own right, they exercise full, or practically full powers?—Yes, they do.

5192. That is to say, they can try their own subjects, or those of other States for capital offences; they can pass the extreme sentence?—Yes.

5193. And they can have it executed without requiring confirmation of it by any outside authority?—Yes, that is so.

5194. Now there are some States which have been invested with powers by the British Government, either recently or some time ago, but the States that you represent exercised these powers even before the advent of the British rule, and they have been continuing to exercise them until now?—Yes; those powers have been included in the Treaties.

5195. Do you claim that the States enjoy freedom from interference in their internal affairs?—Yes, perfectly.

5196. Do you desire to point out that they have a modern system of administration and that most of the States have

6^o July, 1933.] Mr. K. V. GODBOLE (Dewan of Phaltan).

[Continued.]

granted representative institutions to their people?—Yes, they have done so; some of them have even granted some sort of constitution.

5197. The administrations and rulers of the comparatively small States are in closer touch, do you not think, with the daily life and needs of the people?—Naturally.

Mr. Zafarulla Khan.] Closer than what?

Mr. Y. A. Thombare.

5198. Than larger States or larger political units?—Yes, I think so.

5199. Do you think that salutes have, in every particular case, corresponded with the real importance of the various States?—No, I do not think so.

5200. Would you say that if salutes happen to correspond with comparative importance they are unnecessary to that extent as a criterion, and if they do not, they are an unsafe standard?—Yes; if that is the only standard, it would be unsafe.

Sir M. N. Mehta.] My Lord Chairman, we, on behalf of the Chamber of Princes, refrain from asking any questions of this witness; not that our silence would imply consent; but we believe that the question is still under negotiation with His Majesty's Government, and therefore we do not express any opinion upon these points at this stage.

Sir Hari Singh Gour.

5201. You have said that these States recognise the unity of All-India?—Yes.

5202. Then their special representation is not necessary, because, if the rest of India represents them, why should they insist upon special representation?—Because they are sovereign units, and each sovereign unit ought to be represented in the Constitution.

(The Witness is directed to withdraw.)

Mr. C. G. HERBERT is called in, and examined, as follows.

5211. Mr. Herbert, you are the Dewan of Cochin?—Yes.

5203. As a matter of prestige?—No, not as a matter of prestige; as a matter of necessity. I say they ought to be represented as they are sovereign units, and therefore their separate inclusion is a matter of necessity.

5204. Necessity in what sense?—That all these units should, for all time to come, retain their separate existence.

5205. But their representation does not clothe them with separate existence?—It does, in my opinion.

Mr. M. R. Jayaker.

5206. You state, in your Memorandum, speaking on behalf of Southern Maratha States, that the salute guns would be a very faulty test to accept in judging of the importance of a State?—Yes.

5207. What other test would you suggest in place of the salute test?—The chief test I would suggest is that of internal sovereignty.

5208. And that if the salute test were accepted, grave injustice would be done to the Southern Maratha States?—Yes, I think so.

Lord Hardinge of Penshurst.

5209. You say in your Memorandum: "Hence, when they venture to put forward certain claims and insist on their fulfilment, prior to their joining the proposed Federation, it will be recognised that they do so not in any spirit of antagonism to the Federal idea." The point I wish to put before you is this: You make certain claims before you enter Federation?—Yes, that is correct.

5210. What do you propose to surrender in going into Federation, to British-India?—The sovereignty of the States, so far as their federated subjects are concerned.

Chairman.] Thank you very much; we are greatly obliged to you.

MEMORANDUM 22. BY THE GOVERNMENT OF COCHIN.

1. From amongst the many important problems with which the States are confronted by the White Paper on Indian Constitutional Reforms the Government of Cochin desires in particular to place evidence before the Joint Parliamentary

Committee on five subjects which, while they are of general interest, affecting as they do the financial arrangements of the proposed Federation, are of vital importance to the State and its future welfare. These subjects are:—

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[Continued.]

First—Maritime Customs.*Second*—Corporation Tax.*Third*—Salt.*Fourth*—Legislation for and Administration of Inland Waters passing through two or more Units.*Fifth*—Shipping and Navigation on Inland Waterways as regards mechanically-propelled vessels.*Maritime Customs.*

2. In dealing with the question of Maritime Customs, the Federal Finance Sub-Committee appointed during the third session of the Round Table Conference reported as follows:—"... our general view is that the possession by certain States of an immunity which prevents other States or Provinces from making their full contribution to the Federation, is contrary to federal principles. The existing treaties and agreements must be fully observed and no change made in them without the consent of the States concerned. But we recommend that Maritime States should retain at the most not more than the value of the duties on goods imported through their ports for consumption by their own subjects." The White Paper containing His Majesty's Government's proposals for the forthcoming Indian Reforms while it does not expressly endorse the recommendation of the Federal Finance Committee on the subject includes "Maritime Customs," without qualification, as a source of Federal revenue (White Paper, item 34 in List I of Appendix VI, read with subparagraph 2 of paragraph 136), thus apparently accepting the Finance Committee's proposals on the subject. Cochin contends that those proposals are inequitable, and, if finally approved, would have the effect of making it impracticable for the State to enter the Federation.

3. As regards the equity of the proposals, the State apprehends that the Federal Finance Committee was misled by the terms "immunities" or "privileges" under which the right of the Maritime States to receive the customs duties has been included. In the sense that the Maritime States receive the whole or part of the customs duties realised at their ports while Inland States and Provinces of British India do not, it may be said that the Maritime States enjoy a "privilege"; but so far as Cochin is concerned, at any rate, it must be remembered that, although the whole of the port area originally lay within the State, and most

of it still does so, the State only receives one-third of the customs revenue realised at the port. On the other hand, the State is involved in considerable expenditure as a result of the port's existence, and from such expenditure the inland areas are in the nature of things immune. This expenditure has been and is being incurred, not merely on account of the cost of developing the port (which is in itself considerable), but also owing to the increase in the cost of administration which the port's existence has occasioned to the State. The population of the State has, particularly in recent years, rapidly increased, and the fact that this increase is most marked in the immediate neighbourhood of the port shows that it is due, in part at any rate, to the growth of the harbour and its trade. The increase in the population necessarily involves additional expenditure on administration, particularly in such Departments as Public Health, Public Works and Education, and this increase is in the circumstances directly attributable, in part at any rate, to the port's existence. Thus the statement in paragraph 31 of the Federal Finance Committee's Report that Maritime States possess in their customs revenue "an immunity which prevents other States or Provinces from making their full contributions to the Federation" is hardly accurate. Obviously the area in the neighbourhood of a port has to be administered as much in the interests of the Federation as of the State in which the port may chance to be situated. So far as Cochin is concerned, the administration could not be carried on more economically by any other agency than it is being carried on at present by the Government of the State. Taxes levied in the State are similar to those in force in the neighbouring Province of Madras and the revenue derived from all sources, including customs, is no more than sufficient to meet the cost of the administration. Thus the customs revenue which Cochin receives does not constitute a privilege which the State enjoys at the expense of other parts of India; but is merely a source of revenue to which, among other reasons, the port's existence and the increased expenditure on administration which its existence involves, legitimately entitle the State. The proposal of the Federal Finance Committee that the Maritime States "should retain at the most not more than the value of the duties on goods imported through their ports for consumption by their own subjects" would

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[Continued.]

probably result in the sum which the Cochin Government receives from this source being further reduced—a result which would be clearly inequitable since it would mean that the existence of the port so far from benefiting the State would actually become a source of loss to it.

4. Moreover the customs revenue is received by Cochin under Agreements of 1865 and 1925, by which the State gave up other sources of revenue which it then enjoyed. The right to receive the customs revenue is not therefore a privilege for which nothing has been given in return, but one for which consideration has been paid.

5. Apart from the equity of the case there are certain practical considerations which would preclude the State from entering the Federation if the whole revenue from Maritime Customs were finally assigned to the Federal Government or even if the Maritime States were only allowed to retain the duties realised on such goods as are consumed by their inhabitants. For very many years customs duties have formed one of the main sources of Cochin's revenue and they constitute to-day one of the very few elastic sources of revenue which the State possesses. Were they to be lost or considerably reduced, it would become impossible to carry on the administration of the State. Acceptance of the proposals of the Federal Finance Committee would thus almost certainly involve the extinction of the State as a separate Unit and anxious though the State is to enter the Federation, it could hardly do so on such terms.

Corporation Tax.

6. Article 142 of the White Paper's proposals provides that after 10 years the Federal Government will have the power to impose and collect Corporation Tax or its equivalent in the States. In the view of Cochin this provision is undesirable. The present policy of the Government of India is to stimulate Indian industries by imposing high rates of customs duty on articles which can conveniently be manufactured in the country. There seems no reason to doubt that this policy will be continued in future. Its effect must be to reduce the yield from customs duties, and, as has already been pointed out, these duties form an essential part of the revenue of the State. On the other hand, there is a likelihood that with the decrease in

imports and consequent fall in customs revenue, new industries will grow up in the State owing to its favourable geographical position. The establishment of new industries would result in an increase in the yield of Corporation Tax and were the proceeds of the tax to be retained by the State they would to some extent balance the loss from customs duties. If, on the other hand, the whole of the proceeds from the Corporation Tax is assigned to the Federal Government, the result to the State may be that its revenue from customs may decrease and it may have no alternative source from which to make good the deficit. The position is likely to be further aggravated by an abnormal increase in the already considerable population of the State owing to a demand for industrial labourers and a corresponding increase in the cost of administration. The effect of the White Paper's proposals in this matter would, in fact, be to assign the whole of the proceeds of the Corporation Tax to the Federal Government while leaving to the State the task of finding the funds necessary to meet the additional expenditure on administration which the establishment of new companies will involve.

7. Moreover the proposal will result in an inequitable distribution of taxation for while some areas will contribute large sums to the Federal Exchequer, others will contribute little or nothing.

8. For these reasons Cochin would prefer than an indirect tax should be assigned as a source of Federal Revenue instead of Corporation Tax, and it would suggest that an excise duty on matches would be suitable for the purpose.

Salt.

9. The White Paper assigns to the Federal Legislature the exclusive power to legislate regarding salt, but Article 137 of the proposals empowers the Federal Legislature to assign to Provinces and States the whole or any part of the net revenue derived from this source. Cochin would have no objection to accepting Federal legislation regarding the rate of the Salt Tax to be levied in the State, but the proceeds of the tax form an important part of the State's revenue, which it would be impossible to give up. Apparently under Article 137 of the White Paper the State would be entitled to retain this source of revenue under the Federation.

6^o Julii, 1933.]

Mr. C. G. HERBERT.

[Continued.]

Inland Waterways passing through Two or More States. Shipping and Navigation in Inland Waterways as regards Mechanically Propelled Vessels.

10. The White Paper provides that legislation regarding Inland Waterways passing through two or more Units should be exclusively Federal. Cochin considers that legislation on the subject could more usefully be passed by the Units or at any rate that the Units should have concurrent powers of legislation with the Federal Legislature. The State is interested in the subject because Inland Waterways form one of the most frequented means of communication between Cochin and Travancore. At present, when any legislation is required on the subject, it is passed expeditiously without difficulty by the States themselves. Were the exclusive power to legislate to be assigned to the Federal Legislature, considerable delay would be likely to occur in getting legislation passed when necessary, while there would seem to be no corresponding advantage. Similarly, legislation regarding Shipping and Navigation on Inland Waterways as regards mechanically propelled vessels might, in the State's view, well be left to the Units; at any rate, the Units should have concurrent powers with the Federal Legislature to legislate on the subject.

Supplementary Memorandum of Evidence Tendered to the Parliamentary Joint Select Committee for Indian Constitutional Reforms by the Government of Cochin.

Railways.—The regulation of Federal Railways in States has been classified as an exclusively federal subject in the White Paper (Appendix VI List 1, item 12 (e)). The Committee appointed by the Third Round Table Conference to report upon the Legislative Relations between the Federal Centre and the Units have observed (paragraph 2) at the instance of the States' representatives on the Committee, that regarding certain subjects, which have been classified as Federal (including Railways), the States do not intend to give plenary powers to the Federal Government, but to cede legislative jurisdiction only to an extent to be specified in their Instruments of Accession and to retain the remaining jurisdiction themselves. Cochin supports the view advanced by the States' Members of the Committee and further urges that where civil and criminal jurisdiction over railway lands has been ceded by States, it should be restored to them.

5213. Do you wish to make any additions to, or corrections in, that Memorandum at this stage?—No, I have nothing to add to it.

5214. The greater part of your Memorandum deals with the question of the finances of your Port?—Yes, that is a most important point, from the State's point of view, with regard to Federation.

5215. Do you hand in any balance sheet or figures, to show exactly what the finances of your Port in fact are?—I have not got any here, but I can hand them in, if the Committee so desire.

5216. They would be available, if necessary?—Yes.

Mr. Rangaswami Iyenger.

5217. I have one or two questions to put to Mr. Herbert. The present question in regard to the future of the Cochin Port and the delimitation of its jurisdiction and other questions are still, at present, under discussion between you and the Government of India?—There is a dispute regarding the delimitation of the British Area, and the State area in the port. That is now the subject of a dispute which is going to be referred by the Government of India to arbitrators.

5218. Is it not the case that one of the proposals by which it is proposed to solve the question of jurisdiction is by way of cession of territory involved in the port?—There has been a suggestion that one party or other should cede jurisdiction.

5219. What I want to know is this: You have suggested that Cochin cannot give up its Customs Revenue, so you would claim immunity for the State of Cochin from any contribution in the way of indirect taxation to the Federal State. At the same time, you are also opposed to the levy of the Corporation Tax, and making it a Federal source of revenue?—I have not suggested at all that the Cochin State would object to indirect taxation in the State.

5220. I meant the Customs; that is to say, you would not want the people of Cochin to pay Customs Revenue to the Federal Government?—What I object to is giving up the one-third share of the Customs, which the State at present receives. It only receives one-third of the Customs, not the whole of it.

6^o July, 1933.]

Mr. C. G. HERBERT.

[Continued.]

5221. And, therefore, you only want that in any settlement by which Customs Revenue may be federalised you must get a compensation in respect of Revenues of which at present you are in receipt?—Yes.

5222. And it was treated as an immunity by the Davidson Committee?—Yes.

5223. What I now want to know is if you have, therefore, any objection to the levy of Customs duties *per se* on the Cochin port on behalf of the Federal authority?—We have no objection. They are being levied, even now, on behalf of the Government of India, and we should be the last people to object, because we should lose our Revenue if we did.

5224. But you are getting one-third of it?—We are getting one-third.

5225. Will you tell us how you would want this to be settled? What is your proposal in regard to the Revenue question, as to what you should receive as compensation for this one-third, if it is federalised?—But the State has objected to being compensated. The position of the State is that it does not desire to be compensated, but to continue to receive the one-third share of the Revenue which at present it receives, and its object in that is that its Revenue should not be rendered immobile.

5226. In other words, you want it to be a divided head of Revenue, so far as Cochin is concerned?—I do not quite follow the question.

5227. It would be a source of Revenue from Customs, which would be divided as between the Federal Government and the Cochin State?—Yes, as at present, between the Government of India and the Cochin State, and the Travancore State.

5228. And you think that a scheme by which the Customs could be a divided head, between the Federal units and the Federation, would make the Federation more workable?—I do not see that it need in any way interfere with the working of the Federation.

5229. You claim that only as far as Cochin is concerned?—I cannot say anything about other States, because I am not acquainted with their circumstances.

5230. As one who is experienced in the working of the Federation, how do you draw up the Federal budget on the footing that Customs is to be a shared head of Revenue?—I should simply do it as it is done now. It is, even now, a fact that the Government of India receive a certain portion of the Customs Revenue

of the Port of Cochin; a certain portion is paid to the Cochin Durbar, and a certain portion is paid to the Durbar of Travancore.

Sir C. P. Ramaswami Aiyar.

5231. Mr. Herbert, Cochin and Travancore are Maritime States?—Yes.

5232. And somewhere in the sixties of the last century they entered into specific arrangements with the British Government by which they gave up certain rates and Revenue duties as Maritime States?—Yes, that is so.

5233. And entered into special contracts with the British Government by which they gave undertakings not to levy duties beyond a certain point, and got certain things in exchange?—Yes; they undertook, in all cases, to assimilate their rates of duties to those which existed in British India.

5234. Then there came a time when the port of Cochin became an important object of concern to the Government of India?—Yes.

5235. And it was agreed that Cochin should be developed and made a major port?—Yes.

5236. And it was further agreed that the British Government, Cochin and Travancore should be equal partners in that enterprise?—Yes.

5237. And it was a special contract, that, being equal partners, they should divide the revenues equally?—Yes.

5238. Each of these three contracting parties have undertaken to expend very large sums of money in the Government of Cochin?—They have undertaken, and are actually expending them.

5239. That expenditure may amount to some crores?—Yes.

5240. This particular agreement says on the one hand that that expenditure will be undertaken by Cochin, Travancore, and the British Government, and as a result the revenues derived from the Cochin Harbour will be divided in equal shares?—From the Cochin Harbour and some other ports.

5241. I am coming to that. Your contention is that that particular contract should be maintained, even if Federation should emerge?—Yes.

5242. The Federation taking the place of the present British Government?—Yes.

5243. Not only that, but it is also a fact that the State of Travancore, for instance, gave up its claim, or, rather, pooled the resources of some of its own ports, in the matter of that agreement?

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Mr. C. G. HERBERT.

[Continued.]

—Yes, both Travancore and Cochin pooled certain receipts from their own ports.

5244. For centuries Travancore and Cochin have relied upon Customs Revenue as one of the largest sources of their general revenues?—Yes.

5245. You point out the difficulties of giving up that revenue and those arrangements which have been made with the British Government?—Yes.

Mr. Ranganaswami Iyenger.

5246. With regard to this enterprise of the Harbour, I presume the expenditure on the Harbour will be recouped by the levy of Harbour dues and not by the levying of Customs?—No, that is not so entirely.

5247. You mean the contract extends, not merely to the manner in which the capital expenditure on the Harbour is to be recouped, but also to the extra revenue from Customs which you could levy amongst yourselves?—The position is that the expenditure on the Harbour has not been met from the Harbour dues.

Sir C. P. Ramaswami Aiyar.

5248. And will not be met for some years?—And will not be met for some years. Whether it ever will be it is difficult to say.

5249. That expenditure is not likely to be met for some years?—No.

Sir Joseph Nall.

5250. There is only the one port involved in your Memorandum, is there not?—Only the one port, the port of Cochin. There are other ports in the State, but, in fact, they are not used now because, owing to the development of the port of Cochin all the merchandise goes to that port.

5251. But the matter contained in your Memorandum relates to that one port?—Yes, they are all covered by this agreement of 1925.

Sir C. P. Ramaswami Aiyar.

5252. That agreement covers many ports in addition to Cochin?—Yes.

Sir Joseph Nall.

5253. But your Memorandum relates to the one active port now?—It relates to all of them, but that is by far the most important port. The agreement actually covers all the ports in Cochin, and several in Travancore. Under the agreement the Customs revenue of all those ports is pooled and then divided.

5254. Is the revenue you now derive from Customs based on the rates for Customs prescribed by the Government of India?—Yes.

5255. Do you adopt those?—Yes, we have adopted those ever since 1865. We entered into a treaty with the Government of India under which we agreed to assimilate our rates of duty to those which existed in British India.

5256. Under that Treaty, whatever may be the Customs duties imposed by the Indian Government, they, automatically, apply to your port?—Yes.

5257. You say, in paragraph 4, when you agreed to that you gave up other sources of revenue which you then enjoyed?—Yes.

5258. Can you say what they were?—Up to that time we levied Customs duties, or the State levied Customs duties, at any rate which it thought fit. Those duties were usually lower than those which existed in British India, with the result that most of the merchandise passed through Cochin, and was smuggled, or reached British India by other means, so the British Indian revenue was reduced, and the State revenue was increased. In addition to that also the State had, up to that time, imposed duties on tobacco, but under this agreement it agreed that all the produce of British India should be admitted to the State free of duty, so it had to admit British Indian tobacco free of duty, with the result that it lost its duty from the tobacco.

5259. That was the kind of revenue that you gave up?—Yes.

5260. Can you say what proportion of the traffic passing in and out of your port consists of goods used in your own State?—I cannot say that at present because I have no figures on which to base a reply.

5261. Can you say in general whether the imports and exports passing through the port are mainly to and from your own State, or to and from British India?—Some are for the use of the State, some for the use of Travancore, and some for the use of British India, but the exact proportions I cannot say.

Lord Rankeillour.

5262. Do I understand you want your revenue from Customs to be freed and to increase automatically with the increase of the trade of the port?—Yes.

5263. And that is the basis of the settlement of 1925?—Yes.

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Mr. C. G. HERBERT.

[Continued.]

5264. I understand if more revenue has to be raised for Federal purposes you want it done by an indirect, and not by a direct tax?—Yes.

Chairman.] Thank you very much. We are greatly obliged to you for having come before us and for your Memorandum.

(The Witness is directed to withdraw.)

Ordered, That this Committee be adjourned to to-morrow, at half-past Ten o'clock.

DIE VENERIS, 7^o JULII, 1933

Present:

Lord Archbishop of Canterbury.
Lord Chancellor.
Marquess of Salisbury.
Marquess of Zetland.
Marquess of Linlithgow.
Marquess of Reading.
Viscount Burnham.
Lord Ker (Marquess of Lothian).
Lord Hardinge of Penshurst.
Lord Irwin.
Lord Snell.
Lord Rankeillour.
Lord Hutchison of Montrose.
Major Attlee.

Mr. Butler.
Major Cadogan.
Sir Austen Chamberlain.
Mr. Cocks.
Sir Reginald Craddock.
Mr. Davidson.
Sir Samuel Hoare.
Mr. Morgan Jones.
Sir Joseph Nall.
Lord Eustace Percy.
Miss Pickford.
Sir John Wardlaw-Milne.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVES.

Rao Dahadur Sir Krishnama Chari.
Nawab Sir Liaquat Hayat-Khan.
Sir Akbar Hydarj.
Sir Mirza M. Ismail.

Sir Manubhai N. Mehta.
Sir P. Pattani.
Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

His Highness The Aga Khan.
Dr. B. R. Ambedkar.
Sir Hubert Carr.
Mr. A. H. Ghuznavi.
Sir Hari Singh Gour.
Mr. Rangaswami Iyenger.
Mr. M. R. Jayaker.
Mr. N. M. Joshi.
Begum Shah Nawaz.

Sir A. P. Patro.
Sir Abdur Rahim.
Sir Tej Bahadur Sapru.
Sir Phiroze Sethna.
Dr. Shafa' at Ahmad Khan.
Sir N. N. Sircar.
Sir Purshotamdas Thakurdas.
Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Sir EDWARD BENTHALL, Mr. A. L. CARNEGIE, Sir THOMAS CATTO and Mr. G. L. WINTERBOTHAM are called in, and examined as follows.

Chairman.

5265. Mr. A. L. Carnegie, you were President of the Upper India Chamber of Commerce for six years, from 1927 to

1932, and you are Chairman of the British-India Corporation, Limited?—*(Mr. Carnegie.)* I am.

5266. Sir Edward Benthall, you are President of the Bengal Chamber of

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Sir THOMAS CATTO and Mr. G. L. WINTERBOTHAM.

Commerce and Associated Chambers of Commerce of India, 1932-33; a Member of the Council of State, 1932-33; Round Table Conference, 1931, and Director of the Imperial Bank of India, 1926-33?—(Sir *Edward Benthall*.) Yes.

5267. Sir Thomas Catto, you are of Andrew Yule and Company, Limited, Calcutta, and Yule Catto and Company, London. You were a Member of the Inchcape Retrenchment Committee from 1922-23?—(Sir *Thomas Catto*.) Yes.

5628. Mr. G. L. Winterbotham, you were President of the Bombay Chamber of Commerce and the Associated Chambers of Commerce in 1929; a Member of the Legislative Assembly in 1929 and a Member of the Bombay Legislative Council in 1926-27, and again in 1931-32?—(Mr. *Winterbotham*.) Yes.

5269. You are here on behalf of the Associated Chambers of Commerce of India, and you hand in a Memorandum which is marked No. 33?—(Sir *Edward Benthall*.) Yes. It is as follows:—

MEMORANDUM 33. BY THE ASSOCIATED CHAMBERS OF COMMERCE OF INDIA.

A.—INTRODUCTION.

1. In their membership the Chambers of Commerce and their connected Associations include practically the whole of the commercial and industrial activities of the British community in India, and it is for this body of opinion that the present witnesses speak.

2. The scheme of His Majesty's Government contained in the Proposals for Indian Constitutional Reform, commonly known as the White Paper, is thought to form a reasonable basis on which to frame the Constitution Act after further examination of the details by the Joint Select Committee. There are various points of a political nature which the Associated Chambers consider require amendment, but they are content that these should be put forward by the European Association, as they find themselves in general accord with the views held by that body on the subject of the White Paper, and their own evidence will be confined to points primarily of commercial and financial importance.

3. In compiling their evidence, the Chambers have for the sake of brevity touched upon only a few points in which they consider that it is imperative that the position should be either strengthened or clarified. Where they (or the European Association) have made no comment, they desire it to be understood that they are in substantial agreement with the proposals, whether these relate to the measure of advance to be accorded or to the safeguards embodied in the proposals. They consider the proposed safeguards to be essential and in some cases to require greater precision but while their natural apprehensions at such a gigantic change in the system

of Government are very real, they have concentrated their efforts upon making the proposals workable, in the solid belief that the White Paper indicates a solution which should command the acceptance of the peoples of Great Britain and India.

4. In giving general support to the proposals, however, they recognise that these are not yet final and that the Bill when drafted must be regarded as a whole; they therefore retain the right to express a final opinion when the Bill is before them.

B.—FINANCIAL SAFEGUARDS.

1. Throughout the enquiries leading to the present White Paper proposals the Associated Chambers have paid close attention to the all-important question of maintaining the financial credit of India, both internally and in overseas markets. On the whole they consider the financial proposals to be adequate, but they desire to draw the special attention of the Joint Select Committee to the following points.

2. In approving the powers accorded to the Upper House which they consider essential, the Chambers generally stress the strong desirability of filling by Crown nomination all seats in both Houses left vacant by reason of the full 100 per cent. quota of States not acceding to Federation at its inauguration. Approval of the principle of Federal Responsibility was given by the Chambers on the assumption that the full representation of the States would be available to the service of the Federation, and if this is not to be achieved immediately they consider that the balance should be maintained by nomination as suggested. The proportion of

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nominated seats will automatically decrease as further States join the Federation.

3. The establishment and successful operation of a Reserve Bank, free from political interference is, in the opinion of the Chambers, an essential prerequisite to Federation, and they approve of the relative proposals in paragraph 32 of the Introduction and paragraph 119 of the Proposals. They do not make any detailed comments as the matter is being examined before a separate Committee before whom they will be glad to submit evidence if necessary.

4. The formation of the Statutory Railway Board free from political interference in its administrative functions is a step to which the Associated Chambers attach great importance and they are strongly of opinion that railway finance should be entirely separate from the general finances of the Federation with a view to administering the Railways solely in the interests of the general public and not for the benefit of federal or provincial revenues except that surcharges on railway freights would be permissible in war time. They are prepared if necessary to give detailed views before the Committee now examining this subject.

5. The Chambers consider that Upper Houses in the Provinces are necessary as an internal financial safeguard for the new Constitution. Proposal 74 provides Second Chambers for Bengal, the United Provinces and Bihar and the Associated Chambers consider that it is imperative that Second Chambers should find a place in the Constitutions of all Provinces instead of in three only. No reason is suggested for differentiating between the Provinces in the way proposed and the British community fail to appreciate why a provision which they consider to be universally essential for stability and good government under the Reforms should be made in some but not in other Provinces. In their opinion the arguments in favour of Second Chambers apply to all Provinces. In this they have the support of many of the Provincial Governments and Provincial Committees associated with the Simon Commission.

In creating autonomous Provinces it is very necessary to ensure that the Legislatures to which power is to be transferred are, as far as possible, truly representative of all interests in each Province

and include the best talent available. Second Chambers would help to ensure this in all Provinces and should include ex-public servants and representatives of agriculture, industry, universities, landholders, commerce, medicine, etc.

The Chambers of Commerce do not believe that indirect election to Provincial Upper Chambers from the Provincial Legislative Assemblies is sound as the extremely small number of votes required is likely to render abuses practicable; they prefer to rely mainly on high qualifications for both electors and candidates.

Second Chambers so constituted would bring to the service of the country those whose experience qualifies them for legislative and ministerial work, but who otherwise are likely to be excluded by their natural unwillingness to face the conditions of popular elections. The selection of a Minister or Ministers from the ranks of an Upper House may be particularly beneficial in certain cases, especially where it is desirable that the holder of a portfolio (such as the Police portfolio) should not be too dependent for his seat in the Legislature upon the gusts of popular favour.

Some lowering of the Franchise is essential in order to give the masses a voice but Second Chambers will provide some security against unwise and ill-considered legislation arising from lack of experience in maintaining sound financial principles. This is particularly necessary in this field, seeing that no special responsibility will be vested in the Governors as is the case with the Governor-General, and no Financial Adviser is contemplated for the Provinces.

The suggestion that Second Chambers are opposed to democracy is sometimes advanced by those who do not want any restraining influence. The Chambers totally disagree with this argument but they realise that it would be a mistake to place Second Chambers in an entrenched position from which they could defy popular Chambers. They advocate nothing on these lines. Further, they admit that it would be wrong if the existence of Second Chambers meant that the Legislative Assemblies would be depleted of their best men but they see no reason why this should happen if the size of the Second Chambers is kept small and that of the Lower Chambers not unduly enlarged; a course which is desirable also for financial reasons.

Power should be given to introduce Bills other than Money Bills in either

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Chamber, but the Upper House should have powers of amendment or rejection of money bills.

The Chambers attach the utmost importance to the provision of bi-cameral Legislatures in the interests of good government and urge the extension of bi-cameral government to all Provinces.

6. The Chambers attach great importance to the financial conditions, laid down in paragraph 32 of the Introduction to the White Paper, with regard to the Indian budgetary position and to the other pre-requisites to the inauguration of Federation. Considerable progress has been made recently by the Government of India in establishing the finances of India upon a sounder basis and the financial position compares well with that of any other country in the world; but they wish to point out that the present position is only maintained by emergency surcharges on income tax and customs, which are purely of an emergency nature and which the Government are pledged to remove at an early date, and by the export of gold. Should that cease, and in the absence of a normal surplus of exports, the general finances of the country would lapse into a position of extreme difficulty. The limit of taxation on trade has been reached and the business community views with great anxiety the certainty that still further burdens will be thrown upon the country as a result of the reforms. The remedy is bound up with the results of the World Economic Conference, but they cannot at present see where the money is coming from to enable the Provinces (including the new Provinces) and the Federation to balance their budgets unless a general rise in prices takes place together with an improved demand for India's export commodities.

Convinced though they are as to the necessity of political changes at the earliest practicable moment, the Associated Chambers could not concur in attempting to inaugurate Federated India until Indian finances improve.

7. In reviewing the question of Financial Safeguards, the Chambers hope that an earnest desire to work the Constitution will render the intervention of the Governor-General unnecessary, but they emphasise that, should his intervention be necessary, it is of vital importance that it should be effective and that his effectiveness in intervention is indissolubly bound up in the ability of the

Provincial Governments and Governors to enforce the law of the land.

C.—FEDERAL FINANCE.

1. Paragraph 60 of the Introduction, which emphasises the difficulty His Majesty's Government have in making any definite proposals owing to present abnormal conditions, reflects, without the least exaggeration, the doubts entertained by the Associated Chambers regarding the possibility of arranging the finance of the Federation and the Provinces on reasonably secure foundations.

While therefore approaching the question of Finance, both Federal and Provincial, with caution, inspired by world conditions, and reserving their final judgment pending the inquiry envisaged in paragraph 60 of the Introduction to the White Paper Proposals, the Associated Chambers have come to conclusions on certain principles.

2. The Associated Chambers on the whole approve the general scheme for the allocation of revenues, subject to further light on the provision of finance for the Federal Government. The vital importance of securing adequate Federal resources is realised, but so also is the difficulty in view of the proposed withdrawal of part of the jute export tax, the additional cost of the new legislatures, the transfer of a portion of the currency profits to the Reserve Bank, subventions to deficit Provinces, the loss of part of the rice export duty if Burma is excluded from the Federation, and other minus factors.

3. The principle of ultimate allotment is, in the opinion of the Chambers, sound. The Provinces will need a portion of the Income Tax from the start if the Provincial Governments are to have a chance of functioning successfully, but the Chambers fully appreciate the difficulty of replacing the deficiency which would thereby be caused at the centre.

The Chambers wholly approve the centralisation of the imposition and administration of Income Tax, thus ensuring uniformity of rate and of interpretation of the law.

4. They equally condemn the proposal empowering provincial legislatures to impose a surcharge with a maximum of 12½ per cent. on personal Income Tax, as opposed to the uniformity of rate which is desirable, and as likely to cast further unfair burdens upon Income Tax payers at an early date. Even if not imposed

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immediately, it is open to the objection that the power given to two authorities would very probably result in further hardship to Income Tax payers owing to its imposition simultaneously with a Federal increase in Income Tax. They also see no justification for this power to surcharge, in view of the fact that when the time is ripe, Income Tax collections will be made over to the Provinces in the prescribed percentages, *vide* paragraph 129 of the Proposals, and they do not see why Federal officers and persons living in Federal areas should be entirely free from Provincial surcharges, a system which is in fact discriminatory in its effects. The Provincial surcharge on personal income arising from companies will presumably be deducted at source with the Federally-imposed portion of the Income Tax; if so, it will give rise to the anomaly of companies in the same industry deducting tax at different rates and also being put under the obligation of calculating and collecting the tax on the income of each shareholder according to his residence. There would be grave administrative difficulties in this procedure.

For all these reasons the Chambers unreservedly condemn this proposal.

5. The Associated Chambers press for a specific prohibition of the very objectionable practice of using income as a basis for the taxation of those following professions or as the basis for levy of taxation to pay for education or for the levy of cesses. Such taxes are in effect surcharges upon income, although not admitted as Income Tax, and are in the opinion of the Chambers grossly unfair. They are in operation at the present time, but the introduction of reforms seems an opportune time to abolish a practice which cannot be defended.

6. Opinion in the Chambers is divided as to the allotment of this subject to List I or List II.

The majority of the Chambers are in agreement that Agricultural Income Tax should be Federally imposed and administered upon the grounds that there is no essential difference between the net income derived from investments in land and agriculture and that derived from investments in industry, and that Income Tax should not be imposed by two authorities.

The Bombay Chamber, however, considers that the subject should be Provincial on the grounds that the taxation

of agricultural income is so closely bound up with assessment of land revenue which is necessarily administered provisionally, that both should be in the hands of the same authority.

As regards Assam, the Chambers understand that the Tea Industry are giving evidence to the effect that the taxation of agricultural income is rightly vested in the Provincial Legislature, but they understand that there is a minority opinion which opposes this view.

7. It must be recognised that the retention of a percentage of the Income Tax by the Federal Government will mean that the Industrial Provinces are contributing a greater share to the Federation than the Agricultural Provinces, especially as agricultural incomes are exempted from Income Tax. The Industrial Provinces have perforce to accept this state of affairs, but claim that the percentage of Income Tax transferred to the Provinces should be uniform for all Provinces and that Provinces with a satisfactory financial position, owing to the receipt of a share of the Income Tax, should not be made to come to the rescue of those with budget deficits.

The Chambers note from paragraph 57 of the Introduction that a technical investigation is now proceeding to provide information as to the basis of distribution of the Provincial share of the Income Tax between the Provinces. The Chambers observe that a basis of population would be as unfair as a distribution based on the place of collection, and they consider that a basis determined upon the place of origin of the income is the fairest in all circumstances, and that the investigation should be made upon such lines.

The ideal basis for setting the portion of the Provincial Income Tax to be retained by the Federation (which will, according to paragraph 60 of the Introduction, be settled by an enquiry to be held at as late a stage as possible before the new Constitution comes into operation) would be one determined by the taxable capacity of each Province, as recommended by the Percy Committee in paragraph 113 of their report for emergency contributions, thereby ensuring that each Province would contribute its fair quota to the Federation after as scientific an allocation of the burden as is possible.

8. No proposal for the prohibition of interprovincial Customs duties appears to be included; the Chambers consider

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such prohibition necessary with extension to Octroi and like impositions. Complete and unhampered interprovincial trade, in respect both of indigenous products and of imports, is necessary for the development of Indian commerce, and any development of "Economic Provincialism" will be disastrous. It is hoped that in course of time States Customs duties may also be abolished.

9. Appendix VI, List I, Item 52, permits the imposition of Terminal Taxes on railway, water or air-borne goods and passengers. Commenting upon such taxes, the Report of the Indian Taxation Enquiry Committee, 1924-25, writes as follows:—

"Octroi and its modification, the terminal tax, are very ancient and primitive taxes, which have been abolished in most advanced countries. In the form in which they are levied in India they offend against all the canons of taxation."

Taxes of this nature are very much inclined to hinder free trade within the boundaries of the country and if extensively developed to prove as great a menace to trade as the old transit dues, especially when levied locally or provincially. It is some advantage that this source of taxation has been made a Federal subject, but the Chambers are opposed to the tax on principle.

Similarly the Chambers fear that the headings "cesses on the entry of goods into a local area" and "tolls" (Appendix VI, List II, Annexure) may tend to cause the establishment of internal trade barriers, and consider that these should require Federal approval.

10. In the same way it is feared that the power given by Appendix VI, List II, Annexure 10, to Provincial Governments to impose taxes on the sale of commodities and on turnover may, if exercised freely, result in an industry or trade in one province being penalised in competition with a similar industry or trade in another province. Such taxes, while an undesirable hindrance to trade in any case, should require Federal sanction, as a reduction in the profits of industries or trade due to such causes might have serious results upon the yield of the Federal Income Tax.

11. The Bengal Chamber of Commerce claim that the whole of the Export Tax on Jute and Jute goods should be allocated to the Provinces producing Jute,

but is willing that a portion should be temporarily restored to assist Federal finances, subject to restoration to the Provinces prior to any relaxation of Provincial Contributions or other alleviations to the Provinces. The arguments in favour of this claim have been accepted in principle and there is no argument except that of the financial necessity of the Federation to justify the retention of the tax by the centre. This the Chamber is prepared to meet as stated above. In putting forward this claim they are confident that they have the whole of the Province behind them, and they support the remaining claims of the Province for a settlement which will give the new Ministry an opportunity to govern the Province successfully.

12. The Burma Chamber claim that the export tax on rice should be treated in the same manner as the export tax on Jute and Jute Goods and on the same principles.

13. The Chambers are disturbed at the prospect that none of the financial schemes yet put forward has provided a scheme which will enable the Province to embark upon the new reforms in a solvent condition, unless indeed the allocation of Income Tax on a basis of origin under the new Proposals will achieve this object.

14. The Chambers would again take this opportunity of pointing out that to attempt to start the autonomous Provincial Governments with insufficient funds is courting early disaster, as a Ministry which takes office on the flood tide of popular enthusiasm at the attainment of self-government, but is unable for financial reasons to put forward a progressive programme, is likely to meet with early difficulties or to be compelled by the pressure of public opinion to attempt economies in essential services in order to finance less necessary but more popular schemes.

D.—REPRESENTATION IN THE LEGISLATURES.

1. In dealing with this matter it is necessary to make it plain that the representation of British Commercial interests cannot properly be examined apart from the question of the representation of the non-official European community in India as a whole, and that the importance of the position of the British non-official community in India

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derives not so much from its numbers as from the trading interests that it represents. It is therefore necessary to take into consideration the seats allotted to Europeans in the general constituencies in conjunction with those allotted to special commercial constituencies.

In this connection the views of the Associated Chambers which are given below are in the main the same as those of the European Association, having in fact been mutually agreed by the two bodies. Added weight attaches to them for this reason.

Central Legislature.

2.—(a) The representation accorded to Europeans in the Council of State (7 out of a total of 150 British India Seats) is considered adequate.

(b) It is presumed that any European on the electoral roll of the Federal Council of State may stand for any seat irrespective of the Province in which he may be resident. This is following the present practice.

(c) The Bengal Chamber raise a point in connection with the allocation of seats generally between Provinces, as distinct from the question of the representation of Europeans. This Chamber does not consider that the system of giving equal Provincial general representation to Madras, Bengal, Bombay, United Provinces, Punjab and Bihar is just. They find it difficult to understand why on a basis of population, size and financial contributions to the Federation, Bombay and the Punjab should have an equal voice with Bengal and Madras. In paragraph 22 of the third Report of the Federal Structure Committee it is indicated that representation in the Upper Chamber will in the main be for units as such, the guiding principle being a reasonable approximation to equality of representation for each unit. It, however, adds that absolute equality having regard to the great variations in the size and population between the provinces would obviously be inequitable. The proposals in the White Paper appear to follow the tentative suggestion of the Federal Structure Committee that provinces with a population of over 20 millions should receive an equal number of seats but the principle seems to require further examination.

That the basis is anomalous will be obvious from the following table which

gives the proposals applied to the Provinces as these exist at present:—

		<i>Population in thousands. Seats.</i>	
Bombay (including Sind)	... ..	26,400	23
Madras	... ..	47,194	18
Bengal	... ..	51,087	18
U.P.	... ..	49,615	18
Punjab	... ..	24,019	18
Bihar and Orissa	... ..	42,329	23

The Chamber feels very strongly that the above figures constitute proof of injustice to Madras, Bengal and the United Provinces, and that a more equitable distribution should be sought, which should take into account size, population, general importance and the contribution made by each Province to the Federation.

3. In the present Assembly there are nine elected European seats (including one for Burma) and one seat filled by nomination from the Associated Chambers of Commerce, i.e., ten seats out of a total of 145. In the White Paper proposals there are eight European general seats and it is "expected" that there will be six European Commercial seats.

According to Appendix IV, these latter are intended to be filled by representatives elected by the following Constituencies:—

Associated Chambers of Commerce	1
Bombay Chamber of Commerce	... 1
Bengal Chamber of Commerce	... 1
Madras Chamber of Commerce	... 1
Indian Jute Mills Association	... 1
Northern India Commercial Bodies	1

Total 6

The constitution of the first five of these bodies is at present either wholly or predominantly European and these seats may properly be taken to be definitely European. In the case of the Northern India bodies, the Chambers (except the Punjab Chamber) strongly press that this constituency should be composed of the Punjab Chamber of Commerce, the Northern India Chamber of Commerce, and the Punjab Trade Association. An electorate thus composed might or might not return a European but the Chambers would be content that such an electorate would adequately represent European interests

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in Northern India, and they would therefore accept this as a European seat. The Punjab Chamber of Commerce and the Punjab Trades Association are the oldest and best established of all the commercial and trading organisations in North India, and they form the constituency from which a representative is elected to the Legislative Council in the Punjab. The Northern India Chamber of Commerce was organised in 1923, is representative of the leading commercial and industrial interests in Punjab, and consists of both Indian and European members (as does the Punjab Chamber of Commerce).

Including these six Commercial seats, the total European representation proposed for the Federal Assembly is 14 seats out of a total of 250 for British India. The European non-official community, backed by the Associated Chambers of Commerce, have always claimed that there should be an increase in the number of European seats at least proportionate to the increase in the size of the Legislature and on this basis the number of European seats in the Assembly should be 16.

The Chambers therefore make an insistent claim for two further general seats. Both these seats are claimed by Bengal, on the ground that in the new Constitution they are allotted only one general seat as against three now held by them, but on objection would be raised if one of the two seats were to be allotted to Assam Europeans, seeing that the very important European interests in that Province are not specially represented in the Federal Assembly.

Should the Chambers not receive satisfaction in the composition of the sixth commercial seat, they definitely claim one extra general seat to bring the total European seats in the Assembly to 16; this is the minimum which they think would meet their just claims.

Provincial Legislatures.

4. Elsewhere in this memorandum the great importance which the Chambers attach to the provision of Upper Houses in all Provinces is particularly stressed. At this point it is therefore only necessary to say that it is assumed in what follows that this provision will be made.

5. The Bengal Chamber endorses the claim put forward by the Bengal branches of the European Association that 10 per cent. of the seats in the Bengal

Upper House should be secured to Europeans. At present it is proposed that European representation should be limited to one seat elected directly, while a mathematical calculation on a basis of proportional representation would give them in addition 2.7 seats indirectly elected from the Lower House. An allotment on a basis of 10 per cent. entitles them to 6.5 seats and they claim that any figure below this violates the terms of the communal award.

6. It is considered that the proposed European Representation in the Provincial Assembly is inadequate in comparison with the existing representation. Provision is made for seven seats only as compared with five in the present Council and a proportionate increase as compared with the proposed increase in the total numbers should be to eight. A strong claim for an additional seat is pressed.

The Bombay non-official European Community as represented by the Chamber of Commerce and the European Association have all along been particularly insistent in regarding a Second Chamber as a *sine qua non* of Provincial Autonomy and they desire to lay particular stress on their view which for reasons elsewhere developed is held more strongly if possible since, than before, the publication of the White Paper proposals.

7. It is pointed out that no seat is reserved for Europeans in the Upper Houses of these provinces and it is considered that one seat should be reserved in each House.

8. In the Provincial Assembly Orissa Europeans are given no representation and it is considered that one seat should be allotted to them.

9. The dissatisfaction of European interests with the proposed representation in the White Paper proposals has been expressed direct. The Chambers desire to lend their full support to the claims of Assam which are either

(1) That their representation in the Provincial Assembly should be not less than 12½ per cent. of the total, which is their present proportion. This would give them 14 seats as against 9 proposed in the White Paper, and would provide in addition to planting interests for the representation of industrial, mining, railway and oil interests; or

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(2) That provision should be made for a second Chamber and one-third of the total seats in it should be reserved for Europeans.

If provision is made on the latter basis, the Chambers are prepared to forgo the additional representation claimed in the Lower House.

10. The Chambers support the claim of European interests in the Central Provinces to two seats in the Provincial Assembly. Under the proposals one seat is accorded to Europeans and it is "expected" that one of the Commercial, Industrial, Mining and Planting seats will go to a European. Unless statutory provision is made, it is unlikely that a European will be elected for these constituencies and it is claimed that provision should be made for the grant of two definitely European seats.

11. The Chambers desire to stress two points in connection with elections by special European Constituencies:—

(1) In no province would a system of joint electorates of British and Indian Commercial bodies to fill two or more seats be acceptable. This point is made because it is noted that the details of electoral arrangement for Commerce and Industry, Mining and Planting seats "must await further investigation." The suggestion of joint Electorates has been made in the past and it is desired to state the Chambers' united view on what they regard as an essential point. The case of the Northern India Commercial seat is upon a different footing.

(2) The Chambers are of opinion that the system of election for Commercial seats from Chambers of Commerce requires to be reconsidered. As membership of a Chamber of Commerce is the essential electoral qualification, the member, whether Firm or Company, should be enrolled on the electoral roll in its membership name, and should be entitled to exercise its electoral privileges, both as candidate for election and as voter, through any person who has the right to exercise its vote as a member of the Chamber. This would avoid the very real difficulties now experienced by firms and companies which find that, when an election takes place, the member representing the firm or company on the electoral roll has been transferred or is on leave. Not only does the member

lose the right to vote, but the choice of candidates has been gravely restricted in the past by reason of the fact that only those individuals whose names have been on the Constituency electoral roll have been eligible as candidates to represent it.

E.—DIVISION OF LEGISLATIVE SUBJECTS.

1. The Chambers naturally attach the highest importance to this portion of the proposals, especially as regards those subjects which directly affect trade and commerce. They realise that the whole matter is highly technical and one for experts. They make no claim to expert knowledge in submitting the following comments and they are conscious that they are without that administrative experience which would greatly simplify consideration of the subject. They have taken note that the lists contained in Appendix VI "are illustrative only and do not purport either to be exhaustive or final in their allocations." They are purposely making their points as briefly as possible and in many cases the subject matter has been dealt with at greater length in other parts of this Memorandum. They ask that when final consideration comes to be given to the division of subjects all the points made should be duly weighed. It is not necessary to stress that the Associated Chambers' attitude is to draw attention to points which may have a bad effect on the trade interests of India as an economic whole.

2. Under this item the Chambers desire to state their very strongly held view that the development and the control of production and supply and distribution of Mineral Oil should be reserved to the Federation by reason of its importance to the Federation as a whole. The point is made here as it may be the intention to deal with the matter by declaring Mineral Oil to be an Industry the development of which is in the public interest—as it undoubtedly is on grounds of defence alone. The Chambers would, however, prefer to see the matter dealt with by the addition of a separate item making Mineral Oil a Federal subject. Apart from the question of Defence, there is the cogent point that oil is one of the natural resources which provides the real wealth on which the financial stability of the country depends and it is an asset of a

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wasting and irreplaceable nature. Attention is drawn to the chaotic position of the Oil Industry in America where rules for its exploitation are drawn up by the State and not by the Federal Government. This has been so detrimental to the interests of the United States as a whole that the President has asked for overriding powers to deal with the situation.

3. All Chambers except Bombay consider that the imposition and administration of taxes on Agricultural Income should be exclusively Federal.

The Chambers are unanimous in opposing the principle of Provincial Surcharges on Income Tax. (See List II, Item 86.)

4. The Chambers observe that no provision has been made in this list for Federal Police. In their opinion continuation of the present organisation will be essential.

5. The Chambers regret that, owing to the pressure of time, they have been unable to take any expert opinion upon the implications of this item, taken in conjunction with List II, 36, and List II, 67, Annexure 1. They consider that the whole problem needs clarification, but in the meantime they offer the following observations upon the subject.

It is not clear whether the words "taxes on mineral rights" refer to royalties, surface rents, dead rents and Licence fees on Prospecting Licences or to taxes upon such receipts. In either case they consider that royalties from minerals from Crown lands should be Federally imposed and regulated and that taxes on such receipts should be Federally imposed. It should also be made clear that no powers reserved in this item for the Federal authority can be assumed by Provincial Governments under List II, Item 36.

It is not clear whether Annexure 1 is intended to permit the imposition of general cesses or taxes on a tonnage basis (amounting to extra royalties) with the intention of crediting these to the funds of the Province. The Chambers take exception to such powers. At the present time Local Governments are in the habit of levying cesses to defray the expenses of particular services rendered, e.g., the provision of Water Supplies or the establishment of Boards of Health, to which powers the Chambers do not take exception, if the powers are exercised in moderation: but they have already recorded their objection to

cesses charged upon an income basis which are in fact a Provincial levying of Income Tax of an indefensible kind.

The Chambers would welcome an exact statement of the effects of this proposed allocation of subjects, before passing an opinion upon the suitability thereof.

6. This has to be read in conjunction with Item 12 (a) List I, and the Chambers observe that no provision is made for those light and feeder Railways and extra Municipal Tramways which may pass through two or more units. In their opinion these should be in the Federal List.

7. It is presumed that this is intended to refer only to the Punjab Alienation of Land Act. Whatever the limitation of the powers of pre-emption intended in this item, it should, in the opinion of the Chambers, be made clear that the right of pre-emption in respect of mineral rights now vested in the Secretary of State is reserved to the Governor-General.

8. If any Societies or Associations engaged in Commerce or Industry are intended to be included in this item they should be transferred to List I. If not, the definition of those Societies or Associations which this item is intended to cover should be more precisely worded. For instance, might not a private partnership engaged in trade come within the scope of the present wording? It obviously should not do so.

9. See remarks on List I, Item 26.

10. The Chambers take the strongest possible exception to the inclusion of this item in List II. That such a subject should be legislated for Provincially is wholly opposed to the essential principle that India is one economic whole. The great danger to India's trade of inter-Provincial Customs barriers has been emphasised elsewhere in the Chamber's memorandum. It appears essential that this subject should be transferred to List I.

11. The Chambers consider that provision should be made to deal with the possibility of Provinces adopting measures to develop local industries at the expense of similar industries in other provinces.

12. Uniformity of regulations throughout India is considered to be very desirable.

13. This should be transferred to List I to ensure uniformity of Regulations which from an industrial point of view is most desirable.

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14. The Chambers consider that it is a matter for expert legal consideration whether this should not be transferred to List III.

15. Federal Police should be excluded from this item.

16. The Chambers are unanimous in opposing this right being given to Provinces. Their reasons have been fully stated earlier in this memorandum under the head of Federal Finance and it is unnecessary to repeat them, but they cannot stress too strongly the importance they attach to this point.

17. Petroleum from mines must be under the same authority as petroleum from wells. See also remarks under List I, Item 57.

18. The Chambers do not appreciate the meaning of the reference to Banking, especially in view of the creation of a Reserve Bank. They consider that this whole item requires clarification. They assume that investments, loans and advances referred to herein relate exclusively to Provincial funds.

19. As has been previously stated, the Chambers, except in the case of Bombay, consider that taxes on incomes derived from land should be excluded.

20. The Chambers have the strongest possible objection to the practice at present in force of using income as a basis for taxation for professions and for education taxes and for cesses. This point is dealt with in their evidence under Federal Finance.

21. The Chambers consider that the reference herein to "cesses on the entry of goods into a local area" should be deleted, as they are opposed in principle to every form of terminal tax. Provincial taxes on the sale of commodities and on turnover are opposed as being unsound in principle and if imposed they should be legislated for by the Federal Government.

22. As stated above (see Item 7, also List I, Item 49) the Chambers, with the exception of Bombay, consider that this item must be deleted from this list.

23. The Chambers are advised that it is difficult to justify the inclusion in this list of the majority of the subjects specified on the principles indicated in para. 114 of the Proposals. The principle which they desire to see secured is that there should be uniformity in, for instance, the law of Arbitration and of Insurance legislation.

Under Items 13-18 there is obvious danger in the enactment of legislation which would bear hardly upon an industry in one Province, while the same industry in another Province was exempted, and the Chambers suggest that these Items may require reallocation under List I. For instance Item No. 13, the Regulation of Mines, is at present wholly a Central subject and as such the administration works smoothly. There appears to be no reason why it should be made a concurrent subject under the new constitution. Uniformity is most desirable and the drawbacks inherent in any concurrent powers can clearly be avoided in this case.

F.—MISCELLANEOUS.

1. It is observed that in Section 75 of the Introduction, reference is made to certain general rights which His Majesty's Government consider should find a place in the Constitution Act. Among these is the right of property. It is of vital importance to all who hold and enjoy property of whatever nature that they shall have right to full compensation, to be settled by arbitration pursuant to the Indian Arbitration Act, in case of legislative action affecting their ownership detrimentally, and it is urged that a provision to this effect shall be incorporated in the Act.

2. The Associated Chambers understand that Proposal 134 is intended to protect all persons holding leases from the Secretary of State in Council and that henceforth the position occupied by that office in existing leases will be occupied by the Secretary of State, but that it is intended under Proposal 132 that future leases will be held from the Governor-General and Governors. In the opinion of the Chambers leases of Crown lands should be held in future from the Governor-General and be issued by the Federal Government; and renewals of leases held from the Secretary of State should be made with the Governor-General.

3. In view of the Imperial importance of Major Ports, bills affecting Port Trusts should, it is claimed, require the prior recommendation of the Governor-General.

4. With regard to Judicial Procedure, it is probably intended under Proposal 159 that if the Federal Court refuses leave to appeal from a judgment of a High Court, the Privy Council may be asked to give special leave for the appeal to be brought direct from the High

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Court. It is important that the point should be elucidated.

Further, power should, in the opinion of the Chambers, be given to apply to a High Court for a declaration of the unconstitutionality of any legislation, though no further relief is sought in the action. The power of the Governor-General under S. 161 is in their opinion insufficient. Moreover, exclusive original jurisdiction in actions based on alleged breaches of the constitution should be conferred on the High Courts with the provision for the transfer to the High Courts of cases in which breach of the constitution is alleged as a defence in inferior Courts.

5. The Associated Chambers note the omission of any reference to English being the official language of the Federation. The Chambers trust the Act will include a clause giving English status as the official language of the Constitution and the Superior Courts and as one of the official languages of the Provincial Governments, and forbidding discrimination on the score of language against any person whose language is English or who cannot speak or write any of the languages of India, unless such discrimination is authorised by an Act recommended by the Governor-General or Governor and assented to by His Majesty in Council after reservation.

6. This subject has been dealt with by the witnesses of the European Association and if the Associated Chambers are content to leave the matter in their hands, it is not because they do not share to the fullest extent their apprehension at the grave consequences which would result in the event of a breakdown or of such serious deterioration as would inevitably lead to a breakdown. The members of the Chambers are in fact possibly more anxious concerning this question than any other. Nevertheless, if the provisions which the European Association ask for are granted, the Chambers favour—with considerable anxiety but with the conviction that it is the right course—the transfer of law and order to a Minister responsible to the Legislature. They would, however, point out the truth of the remark made by the Simon Commission on this subject:—

“... the real point is not what others think but what the rank and file of the Police Force fear.”

And they would emphasize, if any emphasis is necessary, the importance of

attaching full weight to the views of those who will be charged with the administration of this department.

G.—COMMERCIAL DISCRIMINATION.

1. At each session of the Round Table Conference the question of stabilising the position of British Commerce and Industry under the new Constitution has engaged considerable attention.

Statutory freedom to participate in all commercial and industrial activities in India on an equal basis with Indian Commerce and Industry has been the consistent contention of the British Delegates, on the grounds that British subjects domiciled in the United Kingdom and Northern Ireland are in a special position in India in so far that the relationship between Great Britain and India cannot be reflected in the commercial sphere in other than full national rights to His Majesty's subjects of each country. Indian trading interests are accorded unbiassed treatment in Great Britain and it was generally agreed at the Round Table Conference that there should be no discrimination against the British commercial community in India.

2. As a means of giving effect to this agreement, the Associated Chambers put forward a proposal for a Convention regulating trading rights between Great Britain and India on a reciprocal basis, which convention was to be negotiated between the two countries and incorporated as a schedule in the new Act. It was not found practicable to accept the Chambers' proposal of applying this principle by this means, and as a result of the Conference findings it is clear that British Commerce both in India and with India, in all its diversified fields of Banking, Shipping, Finance, Trading and Industry, must rely upon provisions in the Constitution Act itself for securing its position under the Federation. The clauses in the Act regulating this matter should be drawn in terms of exactitude if judicial protection by the Courts is to be effective, and where, as in the case of administrative discrimination, the Governor-General or Governors are charged with the task of ensuring fair treatment, the objects for which those powers should be used should be clearly understood.

3. The Chambers believe that it is the intention of His Majesty's Government to draft the clauses in the Act in such a manner that they may be effective in operation, but as drafting is of such importance in a matter of this kind they

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are unable to express a final opinion as to the efficacy of the proposals until they have had an opportunity to study the Government of India Bill. They appreciate that the language of the proposals is not to be taken as representing the language which would be used if the proposals were presented in statutory form, and they are therefore submitting their comments in general terms. It will however, be necessary for them to subject the clauses in all their implications to a critical examination by legal opinion at a later stage. In the meantime they are forced to observe that there are several features in the present proposals which will patently require drastic improvement if the object desired is to be attained.

4. The Chambers have throughout approached the question of reforms in an earnest desire to assist India forward on the path of self-government, but their approval of the measure of advance has always been based on the assumption that the safeguards for fair trading will be adequate and effective and to this position they still adhere.

5. If this proposal is to be effective, it will be necessary to include "domicile," "continuity or duration of residence" in British India and the "language of the subject" and in the place of registered companies "the place of incorporation of the company or the domicile, place of residence or language of their shareholders, directors or managing agents" among the prohibited grounds for discrimination. The Chambers wish to point out that this vitally affects not only European British subjects (particularly British concerns registered in India and owned partly or wholly in Britain who, as this paragraph is drafted, might be discriminated against by reason of the domicile or residence of their shareholders or directors) but also Indian British subjects and States subjects. No inter-provincial discrimination should be permitted nor should States subjects—many of whom have become domiciled in British India—suffer discrimination in British India on account of their domicile, continuity or duration of residence or language, or in the case of companies the place of incorporation, or the domicile, place of residence or language of their shareholders or directors or managing agents.

6. While appreciating the object to which the exception is directed in the latter half of the first paragraph of Pro-

posal 122, the Chambers are not without fear that in its strict application it might be used to prevent Europeans taking up agricultural land. Further, as worded, it would appear that while an individual belonging to some class might be excluded, this provision would not extend to a company and the distinction seems inequitable. It is, however, probably merely a matter of drafting to remove this anomaly. Again, as worded, the clause might entirely prevent mortgages to banks and other commercial lenders however unexceptionable.

7. Similarly it is felt that under the powers granted in the second paragraph of Proposal 122 the use of the power might not be restricted to measures analogous to the Criminal Tribes Act but that occasion might arise when the Governor-General or Governor, under local pressure, might give prior assent to a discriminatory Bill, and that having done so might refuse to reserve the legislation for His Majesty's Approval, possibly after radical alterations had been made by the Legislature to the original Bill.

The Chambers, in furtherance of the views put forward during the Round Table Conference, earnestly press for an unvariable rule that all such discriminatory legislation introduced with the prior assent of the Governor or Governor-General against any subjects of the Crown in India, whether domiciled in India or the United Kingdom (including companies), shall be compulsorily reserved for approval by His Majesty in Council after consideration by both Houses of Parliament.

8. The Chambers further consider that it should be made clear that the prohibition on the Federal and Provincial Legislatures (subject to the proviso mentioned above) should extend to all rules, orders and regulations made by executive or administrative authority under Acts of the Legislatures, and to the rules, orders, regulations and bye-laws made by Municipalities, Port Trusts, Local Boards, Departments of Mines and other such bodies set up by the Legislatures, without which neither this proposal nor proposal 123 would be effective.

9. The Chambers also desire assurance that provision will be made under this proposal that no legislation creating an Indian nationality or citizenship shall limit the definition of "British subject" in respect of the matters covered in this proposal.

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10. Proposal 123 as it stands would not in the opinion of the Chambers achieve the purpose intended, for it would allow the imposition of differential taxation. To this extent radical alteration is necessary if businesses carried on in British India by British subjects domiciled in the United Kingdom and companies incorporated in the United Kingdom are not to be liable to discrimination.

11. So far as shipping is concerned, the Chambers consider that specific provisions for equal treatment of ships registered respectively in British India and the United Kingdom should be included in the Act. Trade and Commerce in India has in the past largely depended for its prosperity on the maintenance of a free freight market which alone can guarantee efficient transport service. Such a market whether in coastal or overseas shipping will be of equal importance in the future and postulates a complete absence of discrimination.

12. Proposal 123 does not adequately safeguard persons at present exercising their professions in India by reason of British qualifications. This protection is of course primarily desired by British professional men but also applies to many Indians. British accountants, barristers, doctors, ships' masters and officers, engineers, etc., have contributed largely to the progress of India and are a necessary adjunct to commercial institutions. The Chambers feel it necessary to press either for the specific recognition of British qualifications in the professions which are now recognised in India until mutually acceptable arrangements can be negotiated or for a clause providing that any legislation cancelling or restricting the present rights of British subjects to practise their professions by virtue of qualifications recognised at the date of the Act should require the prior assent of the Governor-General as suggested in proposal 119 for governing alteration to the procedure regulating criminal proceedings against European British subjects. Any such Bill should be reserved for the signification of His Majesty's pleasure thereon, as already suggested.

13. The Associated Chambers assume that proposal 124 is intended to place all companies which are engaged in business in India, whether registered in India or in Great Britain, in the same position in relation to eligibility for grants, bounties or subsidies if they were trading in India before the Act authorising such

grant was passed, and that if necessary this proposal will be modified to carry out this intention.

14. The Chambers observe that where bounties are given to a company not trading in India before the Act authorising the bounty or subsidy was passed, the Governments concerned may specify conditions as to the composition of the Board. These words are wider than those agreed to by the Chambers or approved in paragraph 4 of the Commercial Safeguards Committee. They are prepared to accept the conditions of eligibility recommended by the External Capital Committee's Report that "such proportion of the directors as Government may prescribe shall consist of Indians," but would prefer a proviso to the effect that "Government shall approve the composition of the Board, provided that such approval shall not be unreasonably withheld from any responsible person." The Chambers have already agreed that in such cases it would be reasonable that new companies shall be incorporated under the laws of British India, and that reasonable facilities shall be given for the training of Indian subjects of His Majesty.

There is ambiguity as to whether a company registered in Great Britain but trading in India before the relative Act was passed would be penalised if it registered in India subsequently. In the opinion of the Chambers provision should be made to cover this point satisfactorily, so that where a company incorporated in India after the passing of the Act authorising the bounty or subsidy acquires a business carried on in India before the passing of the Act it should be deemed for the purposes of eligibility to have been trading in India before the passing of the Act.

The Chambers hold the decided opinion that all legislation relating to bounties, etc., should specify the conditions of eligibility for such bounty, etc., which under the provisions of proposals 122 and 123 could not be discriminatory.

15. The above criticisms on proposals 122-4 relate in the main to discrimination of a legislative nature. The difficult question of Administrative discrimination was dealt with in paragraphs 18, 22 and 23 of the Fourth Report of the Federal Structure Committee and in paragraphs 2 and 3 of the Committee on Commercial Safeguards, and there was general agreement that the Governor-General and Governors should be accorded a special

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responsibility for the prevention of commercial discrimination. They would certainly agree with the finding of the Committee on Commercial Safeguards that these powers should not be exercised "capriciously or without due cause," but they feel nevertheless that it should be clearly laid down by a general declaration in the Act that discrimination is illegal and that there should be an Instruction to the Governors and the Governor-General that their powers are intended to be exercised in cases where legislative enactments or administrative acts (such as the withholding of licences or the giving of bounties) though not on the face of them discriminatory, are discriminatory in fact. (See paragraph 23 of the Fourth Report of the Federal Structure Committee.)

16. It appears to the Chambers that the Governor-General and Governors, when called upon to exercise their special responsibilities, will often have difficulty in informing themselves of the facts of a case. The Chambers desire that any person who complains of administrative discrimination of any kind shall have the right to apply to the Governor-General or Governor to direct an Enquiry to be held on the lines of Enquiries held by Ministries under many Acts of Parliament in Great Britain. The person holding the Enquiry, who might, in important cases, be a High Court Judge, would report to the Governor-General or Governor, who would thus be in a position to form his own opinion as to the course to be taken with the full facts before him. A power to require security and to award costs should prove a sufficient safeguard against frivolous applications. It is not suggested that the power to hold an Enquiry of this kind should be confined to commercial discrimination.

The Chambers further consider that the term "the prevention of commercial discrimination" in Proposals 18 (c) and 70 (d) is not sufficiently comprehensive and that this should be extended to cover such things as the prevention of discrimination in any matter relating to status or civil rights including the right to hold and enjoy property of every description, the right to carry on or exercise any trade, business, employment, vocation or profession, the right to make contracts and eligibility for any grant, bounty or subsidy or for any office, post or preferment.

17. The question of discrimination in relation to the States is one of considerable difficulty which as far as the Chambers are aware has not been thoroughly examined at any stage. The States representatives expressed themselves willing to accept the principle that there should be no commercial discrimination provided that those who claim equal rights under it do not ask for discrimination in their favour in the matter of jurisdiction and will submit themselves to the jurisdiction of the States. This raises a question beyond the competence of the Chambers and is bound up with the standing of the States Courts under the Federation. The Chambers who would be dependent upon legal advice in this matter have not yet been placed in a position to make any comment, and would welcome a declaration on this point.

18. As matters stand, the Chambers presume that with regard to exclusively Federal matters the position of the States will differ in no respect from that of the Provinces in respect of all subjects contained in Appendix VI, List I, and that any provisions in a Federal Act which offends against the relative clauses will be as invalid in the States as they will be in British India. The Governor-General's powers will also apply, but the Governor's powers will, of course, be replaced by those of the Ruler of the State.

The Chambers hope that it may be possible that the States will undertake in the Instruments of Accession to be bound by the same provisions as apply to the Provincial Legislatures.

But the whole matter appears to be one for negotiation between His Majesty's Government and the States and the Chambers can only draw attention to the fact that the position of European British subjects (or for that matter Indian British subjects) in the States is by no means clear, as Proposal 122 is limited to British India.

A further point of considerable importance with regard to the States does, however, emerge from paragraph 55 of the Third Report of the Federal Structure Committee. The paragraph draws attention to the need of investing States with a juristic personality for the purpose of enabling them to become parties to litigation in their own right and the Chambers consider that it will greatly facilitate the transaction of business with the States if such provision is made in the new Constitution.

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Sir THOMAS CATTO and Mr. G. L. WINTERBOTHAM.

[Continued.]

19. The Chambers, in submitting evidence on the subject of Commercial Discrimination, have made the above suggestions with a view to modifying Proposals 122-4 so as to make them so far as possible effective in implementing the agreement reached at previous Round Table Conferences. They regard the protection sought as vitally important and consider that they are demanding no greater measure of security for fair treatment than is dictated by ordinary business prudence. But the concentration of their evidence on the aspects of safeguards must not be allowed to obscure the fact that they give general support to the White Paper proposals. This is given in the knowledge that the proposals lead to self-government and that in a self-governing India, whatever the provisions of the Constitution, the ultimate welfare of business interests will lie in the hands of Ministers responsible to Indian Legislatures. The Chambers are not blind to the risks involved in the transfer of responsibility in financial and commercial matters but they believe that the risks have to be faced in the larger interests of Great Britain and India and that, subject to the points raised in this Memorandum being satisfactorily dealt with the proposals of His Majesty's Government are such as to enable British Commerce in India to face the risks with a fair measure of confidence.

5270. To whom should we address our questions, in the main?—To me, Sir.

5271. Sir Edward Benthall, the Memorandum which you hand in has been circulated to the Committee. Do you desire at this stage to amplify that, or to make any corrections in it?—No, Sir, not at this stage.

5272. I see you say that the Chambers of Commerce and their connected Associations include practically the whole of the commercial and industrial activities of the British community in India. Are there any important exceptions which the Committee might wish to know?—Not that I can think of.

5273. And you find yourselves, in the main, in accordance with the Memorandum and the evidence offered by the European Association?—That is correct. This is intended to be, more or less, complementary. We have tried to avoid duplication, except where necessary.

5274. Just one or two questions. In paragraph 6 of your Memorandum you point out that the existing relatively satisfactory financial condition of India is "maintained by emergency surcharges on Income Tax and Customs, which are purely of an emergency nature and which the Government are pledged to remove at an early date, and by the export of gold." Have you considered at all how long, if the existing value of gold in terms of rupees persists, that export is likely to go on?—I do not think anybody is in a position to answer that question.

5275. You offer no view?—No.

5275a. But it would be a serious position if, at the present price levels of commodities generally, that export of gold was to cease?—Very serious, yes.

5276. Have you considered at all what the financial picture in India would be to-day if unhappily a failure of the monsoon was to be experienced?—It would be more serious than it is at present; I do not think one could define the situation at all.

5277. And you might have a shortage of produce under existing conditions without any rise in prices, or would you expect a shortage to induce a rise in prices?—It would depend upon world conditions.

5278. Paragraph 5 of the Memorandum under the heading of "Federal Finance" was not perfectly clear to me as I read it. You say: "The Associated Chambers press for a specific prohibition of the very objectionable practice of using income as a basis for the taxation of those following professions"?—That refers to the situation in Madras, where income is used as a basis for a tax on professions. The details are given in the Todhunter Report of 1924-25.

5279. I am sure it is my own ignorance, but other Members of the Committee may also be uninformed on the matter. It is not a question of complaining of income tax on professional salaries. Could you give us shortly the position?—A tax on professions has been familiar in India from very early times. As levied in Madras, this tax is not essentially different from an income tax. The tax is graded into classes according to the professional man's income. But Class 1, on incomes of 5,000 rupees and upwards, there is a tax of a maximum of 500 rupees and a minimum of 350 rupees. It goes down to Class 9, where the maximum tax is 1 rupee and the minimum tax 8 annas. Therefore that is a tax based on income.

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5280. Is that additional to the ordinary income tax?—Additional to the ordinary income tax.

Mr. Rangaswami Iyenger.

5281. It is what they call a profession tax, is it not?—It is a profession tax, but we object to profession tax being based upon the income as we consider that income tax should be levied by one authority only.

5282. Would it be in the nature of a licence tax for the practice of a profession?—It appears to be, but we object to it being based upon income.

Chairman.] I had hoped that I had at last found someone who had a good case against any income tax.

Sir A. P. Patro.

5283. But the official tax is intended for local purposes?—True, but we object to two parties imposing income tax.

Mr. M. R. Jayaker.

5284. Is it graded on income tax, just as income tax is graded on income?—On a different method, just as I have read out, but it is based on income.

Sir Austen Chamberlain.

5285. Would you feel an equal objection, if a surcharge were allowed on income tax for local purposes but were levied proportionately on all income payers and not as a special charge upon the profession?—Yes. In our evidence in paragraph 4 of our Memorandum, the immediately preceding paragraph, we deal with Provincial surcharge, and we object in principle to income tax being put on by more than one authority, and we consider that that authority should be the Centre authority.

Sir Austen Chamberlain.] I so understood your answer, but I was not quite sure whether I understood rightly.

Mr. Rangaswami Iyenger.

5286. May I explain, although it is to be levied by the Central authority, one of your proposals is that the proceeds of the tax should be given over to the Provinces although the Central authority levies it?—Yes.

Chairman.

5287. Then would you turn to paragraph 10 in Section E of your Memorandum, where you say: "The Chambers take the strongest possible exception to the inclusion of this item in List II". That is the control of the production,

supply and distribution of commodities. "That such a subject should be legislated for Provincially is wholly opposed to the essential principle that India is one economic whole. The great danger to India's trade of inter-Provincial Customs barriers has been emphasised elsewhere in the Chamber's Memorandum. It appears essential that this subject should be transferred to List I". Do you regard the possibilities of inter-Provincial fiscal warfare as very real?—Yes. I think there is a long history of transit dues in India in the past.

5288. And you would view anything of that nature with grave apprehension?—It would seriously interfere with all trade in the country.

5289. In paragraph 11 on the same page you say: "The Chambers consider that provision should be made to deal with the possibility of Provinces adopting measures to develop local industries at the expense of similar industries in other Provinces." What measures are you thinking of?—It would be most unsatisfactory if an industry was subsidised in one Province and not in another.

5290. Then, I take it, that paragraph 20 on the next page deals with the same matter of special taxation of professional incomes as such that we talked about a moment ago?—Yes, and it also adds cesses. In certain parts cesses are also based on income.

Chairman.] Those were the only matters which I was not perfectly clear about in your Memorandum.

Archbishop of Canterbury.

5291. I have only one or two most general questions to ask. I understand that your Chambers of Commerce are confined exclusively to the British commercial community? Not entirely; we have Indian members. I should, perhaps, make that clear at the beginning. We speak primarily for the British members of the Chambers of Commerce, and I would not like to commit all our Indian members to everything which is said here, but I think they are substantially in agreement with all that we have written, and are strongly in support of many of the suggestions.

5292. Are there separate Associations of Commerce of the Indian commercial community?—Yes.

5293. Is there any connection or relationship between your Associated Chambers of Commerce other than these

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specifically mentioned?—No. We try to keep in friendly intercourse.

5294. Then you attach great importance to the necessity of the financial position being clear and strong before the scheme of Federation should be brought into being?—Yes.

5295. Does that apply equally to the inauguration of further Autonomy in the Provinces?—Yes; we have made that clear in a later paragraph, paragraph C14.

5296. But you would not attach the same importance to the whole financial position being secured in regard to the inauguration of reforms in the Provinces?—Yes; we consider that it would be unfair to the new Governments to start them off without adequate finances.

5297. Do you see any signs of improvement in the financial situation in India at present?—Certainly it has improved in the last year, but it is dependent upon world conditions, as we have said in our Report.

5298. But without prophesying, you think it possible that these signs of improvement may continue?—We hope so.

5299. One matter of detail: I note that in paragraph 2, you concur with others who have given evidence, that without waiting for all the Princes to enter the Federation, you would wish the Crown to nominate the seats that would be vacant until the full number of the Princes came in?—Yes.

5300. Could you tell us what kind of person you suppose the Crown would nominate to fill these places?—Entirely at the Governor-General's discretion.

Archbishop of *Canterbury*.] I think that is all that I wish to ask at the present time.

Marquess of *Lothian*.

5301. Sir Edward Benthall, would you turn to Section B, of your Memorandum about Second Chambers? You say in the second sub-paragraph of paragraph 5: "In creating Autonomous Provinces, it is very necessary to ensure that the Legislatures to which power is to be transferred are, as far as possible, truly representative of all interests in each Province and include the best talent available." Then you give some suggestions. I am not very clear as to exactly how you propose to constitute the Second Chamber. You do not like indirect election from the Lower House?—We prefer direct election and high qualification.

5302. Direct election by constituencies to both Houses?—Yes.

5303. And you rely upon high qualification for both electors and candidates?—Yes.

5304. How would you propose that the Ryot, the poorer section of the population which you say ought to be represented, would get representation in the Upper House on that plan?—High qualifications were meant to cover high intellectual qualifications as well as high financial qualifications.

5305. One of my Associates asks whether the ordinary Ryot would come under the intellectual qualification?—He would, we hope, be very largely represented in the Lower House.

5306. Then you do support having a form of franchise which does bring the villagers into direct contact with the public life of the country?—Yes.

5307. You think that is essential to stabilise the country and to prevent revolution, and so on?—Yes.

Marquess of *Zetland*.

5308. Sir Edward Benthall, there are a few questions I would like to ask you on two points. I will deal, first of all, with the question of taxation. As I understand your position, you would object to the Provincial Governments being given any powers of taxation which would in effect impose a surcharge upon income tax?—Yes.

5309. In other words, you would confine the powers of taxation conferred upon the Provincial Governments to indirect taxation?—I had not thought that out entirely. My reference was only to income tax.

5310. But I assume really that that is what the effect of your views would be. You object to the Provincial Governments being able to impose any tax which could be regarded in any sense as a surcharge upon income tax?—Yes.

5311. It seems to me that that only leaves them the power of imposing indirect taxes. I am speaking of raising additional revenue in the Provinces?—I would not object to a professions' tax, which I think would be a direct tax, would it not, and which exists at present.

5312. But you object to that, I understood?—Only if it is based upon income.

5313. What else could it be based upon except upon income?—In Bengal we have a licence tax of 50 rupees per company; that is the Company License Tax. I

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would not object to that. That is a direct tax, I think.

5314. So that there would be, possibly, some small source of revenue open to the new Provincial Governments from direct taxation, though probably not a very large source?—Possibly.

5315. Coming to indirect taxation, I understand that you would like to put very large restrictions upon the powers of the Provincial Governments in the matter of indirect taxation. For example, you object to all indirect taxes which might act as a drag upon free trade between the Provinces. You object to the Terminal taxes and Octroi duties, and so on?—Without Federal sanction, to provide uniformity and to prevent barriers.

5316. Your objection to taxes of that kind would not apply if they were imposed uniformly in all the Provinces? Is that your position?—We object to Terminal taxes in principle, but we have said that it is some advantage that this source of taxation has been made a Federal subject.

5317. I read that; but you do object to them in principle?—Yes.

5318. But, in your view, they would be a little less objectionable if they required the sanction of the Federal Government?—That is the position.

5319. It seemed to me that, if all the restrictions which you advocate on the powers of Provincial Governments in the matter of taxation were to be accepted, there would be very little scope left for the Provincial Governments to raise additional revenue at all. Have you considered that?—It is our function to point out how these various taxes and powers to tax will affect trade, and we have endeavoured to do that.

5320. You have not thought about it so much from the other point of view, that is to say, from the point of view of the Provincial Government which wishes to raise revenue?—Yes. The Provincial Government can arrange with the Federal Government to raise that revenue under our proposals.

Sir Austen Chamberlain.] To which proposal especially do you refer? Paragraph 9 of Section C. The last sub-paragraph. “ ‘Cesses on the entries of goods into the local area’ and ‘tolls’.” We have said there that we consider that those should require Federal approval. The principle by which we have been guided has been covered by paragraph 8.

We want complete and unhampered inter-Provincial trade.

Marquess of Zetland.

5321. I think I understand your point of view on that question quite well. The other question I wanted to ask you about was the safeguards against commercial discrimination. I understand that you contemplate looking to the Courts for some measure of protection against commercial discrimination? It not that so?—As regards legislation, yes. As regards administrative discrimination we look to the Governor and the Governor-General.

5322. I am not expressing a view one way or the other on this question, but I would like your considered opinion. Would it be satisfactory to your community if you were asked to look entirely to the Courts for protection against commercial discrimination, thus relieving the Governor of a rather difficult duty?—It would be desirable, but I do not think it would be possible, in the case of administrative discrimination, for the Courts to determine what was and what was not discrimination.

5323. Could you give the Committee an example of the sort of administrative discrimination which you have in mind, and which you think you could not be protected against by the Courts?—I have in mind the case, for instance, of a subsidy Bill which might come before the Central Legislature. The Central Legislature might pass a Bill authorising a Minister to grant a subsidy, in his own discretion, for certain purposes. He might grant a subsidy to one company but not to another company; but it would be impossible for the Courts to determine what went on in that man's mind in differentiating between two companies. It would not be possible to prove discrimination before a Court, but under the process which we have suggested, whereby it would be possible to hold an enquiry, facts might be brought out which might clearly show that discrimination had been practised, and the Governor-General or the Governor would then be authorised to overrule that.

5324. I see your point; but you contemplate as I understand, a special enquiry being held in a case of that kind by some body constituted *ad hoc*. Is that so?—Yes. Of course we hope very much that, once this question has been settled and put into the Act, it

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will be, like all good agreements, forgotten, and that we shall not have to apply this frequently, but that good sense will prevent these cases arising.

5325. I quite agree, we all hope that, but when you are legislating for safeguards you have got to assume that the safeguards may require to be put into operation, have you not?—Yes.

5326. I am only discussing the matter on that presumption. The question I want to be clear about in my own mind is this: Why would it be easier for a body constituted *ad hoc*, as you suggest, to come to a correct decision in a case of this kind than for the Courts to do so?—It is a legal matter, I think, and we have been advised by our lawyers that it is impossible to define "discrimination" sufficiently closely for the Courts to determine it in such cases.

5327. And, where the Courts fail, the unfortunate Governor has got to step in. Is that your position?—It is a matter of legal drafting. I think perhaps lawyers might be able to help in that matter better than myself.

Marquess of Zetland.] Then I will not pursue that matter.

Marquess of Salisbury.

5328. I am afraid your Memorandum, although it is so interesting, is a most technical one, and I am not familiar with such matters. I want to ask you a question upon a question which has just been put to you: Ultimately, as you say at the end of your Memorandum, you would have to rely on the responsible Ministers. Is that not so?—Yes, to a very large extent.

5329. That is a very reasonable answer, if I may venture to say so; but, of course, that has reference mainly to administrative difficulties?—Yes.

5330. You do rely upon the safeguards, do you not?—Very much.

5331. However much confidence (I daresay well deserved confidence) you have in the Ministers, yet you do rely upon the safeguards too, do you not?—Very much.

5332. How far do you consider the safeguards are vital?—Absolutely vital.

5333. But we had some evidence before us yesterday that they might be looked upon as transitional. How far are you looking forward to the safeguards being transitional?—I had not contemplated that at all.

5334. No, I did not think you did. Your community contemplate, I will not

say all of them, but many of the safeguards, as being safeguards which you would always have, or that you could rely upon as safeguards, as, for instance, the safeguards about law and order?—I think the future must decide questions like that.

5335. Yes, ultimately, but in the immediate future you look upon them as a fixed thing. It is not purely transitional?—No.

5336. I do not want to press you if you do not want to answer?—I am trying to answer.

5337. The only other matter I might just say a word about is taxation, in order to clear up what Lord Zetland was saying. I wanted just to call your attention to paragraph 6 of section B. There you say. "The limit of taxation on trade has been reached and the business community views with great anxiety the certainty that still further burdens will be thrown upon the country as a result of the reforms." So that you would not consider that India was susceptible of a great increase of taxation?—That chiefly refers to taxation on trade. The income tax, together with the surcharges to which we have been referring before, is practically as heavy as it is in this country, or possibly even heavier, and we do not think that any more income tax can rightly be imposed.

5338. Indeed it would not be untrue to say that you are very anxious indeed about the financial prospect?—We are very anxious, but we are hopeful, and intend to co-operate and to try to overcome the obstacles.

5339. I am sure you will. Indeed you go so far as to add a grave warning of what might happen if the new reforms were started without sufficient financial foundation, do you not?—Yes, I think we have said that in one or two places.

5340. I notice some very interesting paragraphs at the end of your Memorandum in which you speak of the want of sufficient provisions prescribing the relations between the States and Federation?—Yes.

5341. You would not like to elaborate them any more, would you?—We find it very difficult to do so, because we consider that that is a matter for His Majesty's Government to discuss with the States.

5342. But the point is that, whatever may be the right solution, it does not

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appear in the White Paper as it stands?—That is what we feel.

5343. And that will all have to be thought out?—It may have been thought out, but it is not clear to us from the White Paper.

Marquess of *Salisbury*.] Nor is it clear to us, but I want the views of the witnesses.

Sir *Samuel Hoare*.] I assume Lord Salisbury is speaking for himself when he says "it is not clear to us."

Marquess of *Salisbury*.] I am quite sure it is clear to the Secretary of State.

Lord *Rankeillour*.

5344. Sir Edward, under the heading: "F—Miscellaneous" paragraph 4, you refer to the question of appeals?—Yes.

5345. You refer to Proposal 159, but I think much the same point arises on Proposal 156?—They should be taken in conjunction.

5346. On the face of it, it would appear that in many cases of great communal importance, though not perhaps where a large sum in money was concerned, appeals to the Privy Council by special leave would be barred under those two Sections?—Apparently, and we are very anxious that that should be rectified or made clear.

5347. Those appeals lie I think under the Act of this Parliament of 1834, do they not?—I cannot say that.

5348. I am not a lawyer, but I think they do. If words carrying out the apparent meaning of Proposals 156 and 159 were put into the Constitution Act, they would override the Act of 1834, presumably, and therefore you want it clear that that appeal by special leave should go on?—That is so.

5349. You speak about interprovincial Customs Duties, the matter just raised by Lord Zetland, under the heading: "C.—Federal Finance," paragraph 8?—Yes.

5350. I suppose you would really wish to see that applied to the States also, to see that there should be absolute unity of customs throughout India, would you not?—We should wish it and we make reference to it at the bottom of that paragraph.

5351. But you do not think that is likely to come about?—It is in the hands of the States.

5352. That is a difficulty which will remain under these proposals?—Yes.

5353. I gather you do not think that there is any great reserve capacity for taxation in India?—Not at the present time.

5354. Because one witness told us that India was the lightest taxed country, or one of the lightest taxed countries, in the world, and there was a considerable reserve. You do not agree with that?—I disagree with that.

5355. In regard to a Federal Budget, it has been given in evidence before us in a Memorial that no direct taxes will be accepted in the States. Did you know that? Did you read the Memorial from the Princes' Chamber?—I had heard of that.

5356. If that is persisted in, the result will be that any increase of taxation that might be necessary for the Federal Budget would have to take the form of indirect taxation, would it not, because British India would not be likely to consent to a direct tax, which did not apply outside its bounds, for Federal purposes?—In the Federal Finance Committee's Report there was a suggestion at one time for an emergency tax based on taxable capacity to be levied on all the units of the Federation. We do not see any reference to that in these Proposals and we presume it has been excluded, but it seems a very sound measure to have for emergency purposes.

5357. Would that be a tax on the assumed taxable capacity of the whole State?—Of all the units of the Federation.

5358. And they would be allowed to collect it as they wished?—That would be a matter for arrangement, presumably, in the Treaty of Accession.

5359. It does not appear anywhere on the face of this paper. You cannot get it out of anything in these papers?—No.

5360. With regard to your paragraphs about discrimination, whether legislative or administrative, you point out that the relative sections of the White Paper are not cast in statutory form?—Yes.

5361. That is a difficulty I think I very much appreciate and sympathize with, but so far as a precise meaning can be got out of them, have you taken legal advice on the matter?—We have naturally consulted lawyers, but, as we say here, we have submitted our comments in general terms.

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5362. Do you think you would be able to bring up legal clauses, defining precisely what it is you want, for the consideration of the Committee?—Possibly we might at a later stage.

5363. It might be awkward to wait for the Bill and then attack it and feel yourselves obliged to attack it in detail on these points?—Yes; but we believe it to be the intention of the Government in drafting these clauses to give us the protection which we seek; and it is a matter for the legal draftsmen to put in order.

5364. But you cannot really form a final opinion until you have seen them?—That is the case.

5365. Passing from that, you make reference to the Federal Police and the need for Federal Police. To whom exactly do you refer at present as Federal Police?—(Mr. Winterbotham.) Under the present Government of India Act, Item No. 31 in the Division of Functions specifically mentions Police. It would therefore appear to us that the exclusion from Appendix VI, List 1, is intentional; it is our view that in some form or other Federal Police will be essential and we call attention to the point.

5366. The Federal Police, surely, are a very small body, mostly engaged in investigation, are they not? Otherwise, the Police are organized provincially, are they not?—Our point is that we envisage a continuance of Federal Police in some form and there is no mention of Federal Police in List No. 1. We therefore draw attention to the point.

5367. Do you suggest that the whole Police organization for British India should be federal?—No.

5368. But you want a body of Police at the disposal of the Central Authority?—In making the reference that we do under the head of "Division of Legislative Subjects" our object is to draw attention to the fact that under the exclusively Federal list there is no mention of Federal Police. We did not intend, in making this reference where we do, to develop the whole question of what Federal Police would be essential, but we do take the view that some Federal Police will be essential.

5369. And at present you are afraid that their creation might be barred if the word "Police" is left among the Provincial categories. Is that right?—Yes.

5370. Would you be in favour of an Inspector-General of Police? I think you are, because I rather think that the European Association mentioned that?—(Sir Edward Benthall.) An Inspector-General?

5371. A Federal Inspector-General?—I do not remember the European Association saying so.

5372. Have you considered that?—I think that was put forward by the Police themselves, was it not? With regard to anything that the Police put forward, we have stressed the point that we think the very greatest consideration should be given to those suggestions.

5373. And you adopt with regard to the Police proposals, the views of the European Association in their Memorandum?—Yes.

5374. They say it must be emphasised that the proposal to transfer Law and Order to responsible Ministers is agreed to on the condition that proper safeguards are devised. You would agree to that?—Yes. I should like to correct our Memorandum in one respect. In paragraph 6, under the heading of "Miscellaneous," we say: "Nevertheless, if the provisions which the European Association ask for are granted, the Chambers, with one exception, favour—with considerable anxiety but with the conviction that it is the right course—the transfer of Law and Order to a Minister responsible to the Legislature." We wish to delete the words "with one exception." That referred to the Cawnpore Chamber, the Upper India Chamber of Cawnpore, whom Mr. Carnegie represents, and he authorises me to withdraw that.

5375. But you agree to what I have just put to you. I think the matter may be a little confused. You agree to the statement I have just read to you from the European Association Memorandum?—Yes.

5376. There is only one other thing I want to ask you. I suppose you attach the greatest importance to maintaining the powers and prestige of the High Courts?—Yes.

5377. And the standards and efficiency of the subordinate Courts?—Most certainly.

Major Cadogan.

5378. My Lord Chairman, I only want to ask one question of Sir Edward. You have expressed anxiety as to the cost of instituting the White Paper Reforms.

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[Continued.]

If and when the Federation comes into being, is it your view that there would be an insistent demand for increased expenditure on social reform, education, health services, developing the country by improved means of communication, and so forth?—Taking the Province from which I come, Bengal, we feel that since the last Reforms, we have been starved of finance, and that the Ministers in charge of the transferred Departments have not really had an opportunity to carry on their side of the Government satisfactorily. We consider that they have been handicapped, and we think, as we have said, that it would be putting the new Government under a serious strain if adequate finance was not allowed.

5379. But that was not quite an answer to my question. There would be, would there not, and must be a demand for an increased expenditure on social reform?—There would be, and in many cases there should be.

5380. But that would be another consideration why it would be absolutely imperative that the Federation should not be set up, irrespective of what are known as the prerequisites, establishing the Provinces on a sound financial basis, and so forth?—Yes.

Sir Joseph Nall.

5381. Under the heading of "Federal Finance," in paragraph 9, of your Memorandum, you call attention to the Terminal Taxes, which were mentioned just now. You say in the second paragraph: "It is some advantage that this source of taxation has been made a Federal subject." That is an assumption based upon the White Paper—"has been made a Federal subject"?—It appears in Item 52 of List I.

5382. Yes. Have you got the White Paper before you?—Yes.

5383. Would you turn to pages 113 and 114 of the White Paper?—Could you give me the other reference? I have the Indian edition.

5384. It is Appendix VI, List I?—Yes.

5385. In Appendix VI, List I, there are a number of items which are laid down as being exclusively Federal?—Yes.

5386. And I think you are assuming there that No. 52 would be exclusively Federal?—Yes.

5387. I am asking you, is that a reason for your assumption in your Memorandum that that matter would be Federal?—Yes.

5388. Now if you look at the items in that Schedule, there are Nos. 1 to 48, then after 48 there is a gap in the print before you come to 49. Have you got that?—Yes.

5389. Are you assuming that the following items, 49 to 64, would all be Federal?—I had assumed so.

5390. If it was suggested that some or most of those items ought to be Provincial, you would desire to make representations on that, would you not?—I should object strongly to No. 49, for instance.

5391. Might we just go through them? 49: That has already been mentioned, taxes on income. You do not want that to be Provincial?—No.

5392. No. 50: Have you formed any views as to whether that should be Provincial or Federal?—I have not given very great consideration to all these points. (Mr. Winterbotham.) May I say, my Lord Chairman, that on the assumption just put to us, we should require to reconsider the whole of the items 59 to 64, because we have considered them on the assumption that they are exclusively List I.

5393. You would not want us to take it that all those items, 49 to 64, were definitely Federal, if, in fact, there is a possibility of some of them being made Provincial? You would object to some of these items being Provincial matters?—Most definitely.

5394. Now, on the question of terminal charges, you quote from the Indian Taxation Inquiry Committee of 1925, in paragraph 9: "In the form in which they are levied in India, they offend against all the canons of taxation". Can you give any indication as to why you attach importance to that?—(Sir Edward Benthall.) I think the best thing I can do is to refer you to the Taxation Report, Volumes I and II; it is very voluminously dealt with there. So far as we are concerned, we object to any taxation which results in trade being held up as octroi and terminal taxes do.

Sir John Wardlaw-Milne.

5395. You mean between one Province and another?—Yes, or even octrois largely inter towns.

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Sir Joseph Nall.

5396. May I take it that there are instances to-day where you would agree that this system is inconveniently resorted to?—(Mr. *Winterbotham*.) Quite definitely, yes, particularly in Bombay, where the municipality has been insistent on the introduction of some form of terminal tax, which we and our friends of the Indian commercial community are definite in opposing as being a tax on trade.

5397. Are you apprehensive that unless these matters are controlled from the Centre, they may be even more inconveniently manipulated in the future?—I would not use the word “manipulated”, but my general answer to the question would be, yes. We think that the division of legislative subjects ought to be most clearly defined, so that one authority does not impinge upon the rights of another.

5398. Would it be possible for the Provincial adjustment of any of these terminal taxes, in fact, to frustrate the general system of Customs duties imposed by the Federal Government?—I think I should like to consider that, but I do not think that they could be said to frustrate the general Customs tariffs.

5399. But it might cause difficulties as between ports?—It might possibly divert trade from one port to another.

5400. Now in objecting to the Provincial income taxes just now, Lord Ranneillour asked you if you had had regard to the objection lodged by the States against direct taxation being applied to the States. Do you think it is feasible to have a system of income tax imposed upon the Provinces in the Federation for the purpose of raising Federal Revenue and yet not apply it to the States for the same purposes of Federal Revenue?—(Sir *Edward Benthall*.) It is undesirable, but we have to face facts as they are.

5401. But you think it would be possible to continue raising revenue by income tax in the Provinces for Federal purposes, although it did not apply to the States?—I think so.

5402. If that would be a formidable difficulty in arranging a Federal scheme, would you regard the income tax as a suitable matter for Provincial Revenue rather than Federal Revenue?—No.

5403. You think that in any case it should be a Federal tax imposed evenly throughout the Federation?—Imposed and administered Federally.

Sir Reginald Craddock.

5404. Sir Edward Benthall, I would like to draw your attention once again to paragraph 6, dealing with Law and Order. The Associated Chambers of Commerce, I understand, proposed to the Simon Commission, first of all, that Law and Order should be transferred so as to confer full responsibility upon Ministers. Is that the case?—That is the case.

5405. Then later on, did not the Associated Chambers of Commerce ask that that might be changed?—I do not remember that. We have adhered to that decision since it has been made, so far as I am aware.

5406. Was no application made to rescind that portion of the Associated Chambers of Commerce's suggestion?—I cannot remember that.

5407. You ought to know better than I do?—I think I know.

Mr. *Zafulla Khan*.] Surely, if any such application were made, it must be upon the record of the evidence of the Simon Commission, and, if it is, it could be verified?

Sir Reginald Craddock.

5408. I am only asking the Witness if he knows; that is all. I see you emphasise a quotation made from the Simon Commission Report: “The real point is not what others think, but what the rank and file of the Police Force fear.” You stand by that, as a very important point?—Yes.

5409. Because the question how any body of men will act will depend upon what they think or fear and not what other people, the community generally, may think or fear?—Yes.

5410. You have noted that quotation as being important?—Yes.

5411. You said that, with one exception, the Chambers of Commerce favoured this, and that exception has been now withdrawn—that is the United Provinces. Is it called the Chamber of Commerce of Upper India?—That was the Upper India Chamber, yes. It was written under a misapprehension.

5412. In the case of the European Association, Mr. Gavin Jones, who represented, I imagine, the United Provinces Branch of the Association, put in a separate Memorandum to the effect that that branch, at all events, did not approve of the transfer of Law and Order. In that case, that branch of the Association differs from the Chamber?—

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I would ask Mr. Carnegie to answer that. He was the President of the Upper India Chamber last year. (Mr. Carnegie.) That is so, and, as regards this point, there is a certain difference of opinion between the Chamber and the European Association.

5413. Of the United Provinces?—Yes.

5414. I will now turn to the question of Terminal Taxes. Those, as far as I know, are not Provincial taxes up to the present, are they? They have never been imposed as Provincial taxes, have they? They are municipal taxes?—(Mr. Winterbotham.) I believe that they have to have the sanction of the Government of India.

5415. That may be, but they are municipal taxes imposed for municipal purposes?—In the main, I believe so, yes.

5416. And it is the case, as you are probably aware, that terminal taxes in a great many towns in the United Provinces were introduced in order to take the place of octroi taxes?—I have no knowledge of that. (Mr. Carnegie.) I understand that that is the case, but I would not like to commit myself without reference.

5417. You know, probably why both terminal taxes and octroi taxes are always rigorously defended by a great many municipal Committees?—(Sir Edward Benthall.) Easy money.

5418. It is because, as I understand it—I have no actual experience—of the enormous difficulty of raising equal money by rates of direct taxes, and the great unpopularity of direct taxes in all these Upper India towns, and, apparently, I gather, the same objection has been raised in Bombay. Do you object to purely municipal taxes of that nature?—What we feel is that octroi already is a source of hindrance to the trade of the country. Mr. Carnegie could endorse that in the case of Cawnpore, and Lucknow, I think. It hinders trade definitely, and any extension of it in the form of inter-Provincial taxes will—

5419. It is purely a consumption tax, is it not, because when goods which have paid octroi are exported from a town, they get a refund?—But there is considerable difficulty, I understand, in getting the refund, and in the case of the terminal tax, there is no refund.

5420. But it always yields a much lower sum than octroi. I only wanted to understand from you exactly what objection you took to these local taxes, because they are really an important item

in the income of municipal Committees?—Yes.

5421. And I put it to you, from my experience, that I have known cases in which the dislike to direct taxation was so great that traders emigrated from a town where direct taxation was imposed to a town where octroi was imposed?—(Mr. Winterbotham.) Our point is that it would not be the individual who would emigrate if terminal taxes were imposed, but the trade itself would emigrate to another place.

5422. I mean to say, you go so far as to bar the right of Municipal Committees to levy an octroi if they wish to do so?—(Sir Edward Benthall.) No, Sir, we want to prevent an extension of such taxes, but we suggest that they can be imposed with Federal assent.

Sir Joseph Nall.

5423. May I ask a supplementary question on that? I take it you do not object to ordinary market dues or cesses in the bazaars in the way of stall rents, as we should call them over here?—No.

5424. That is a different matter?—Yes.

Sir Reginald Craddock.

5425. It was a general principle of administration in some of these Provinces that where octroi had already existed for a long time it should be maintained if the Municipal Committee desired it, either that or a Terminal tax, but that octroi should not be imposed in a town where it never existed before?—That, I think, must be left to the future Government. What we have said under paragraphs C9 and 10 is illustrative of the general principle which we laid down in paragraph C8.

5426. At all events there is no such thing at present as an octroi levied on a Provincial boundary?—I should think not.

5427. Nor any transit fee of any kind?—Probably not. (Mr. Winterbotham.) If I may supplement that, our whole objection to Terminal taxes is that Terminal taxes are taxes on trade, and we do not want taxes on trade to be imposed by subordinate authorities such as municipalities especially on transit trade.

5428. In paragraph 12 of Section G you express concern about persons with British qualifications being discriminated against in some way or other in pursuing their professions in India. Is that apprehension based on anything that has yet

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occurred, or has been attempted?—(Sir Edward Benthall.) If I might illustrate that, Sir, take the case of mining engineers. The mining engineers are allowed to practice their profession in charge of mines by virtue of certificates issued by a Board of Examiners appointed by the Governor-General in Council, of which the President is the Chief Inspector of Mines. The Mines Board has a discretionary power to recognise British qualifications. So far as I am aware the Board has always used its discretion, but there is a movement to stop the issue of further certificates to managers with British qualifications until unemployed members with Indian qualifications find employment. What we want to secure is that the employer must have the right of choice, subject to the expert being qualified by either British or Indian qualifications.

5429. I understand. Do you apprehend any difficulty about that with regard to medical degrees and diplomas?—It depends what provisions are made, and it is not clear from the White Paper what provisions are to be made, except that some provisions are to be made.

5430. You want to lay emphasis on the fact that the protection of persons exercising professions in India with British qualifications should be quite complete?—Yes.

5431. And it would, in fact, extend to a great many Indians with British qualifications?—Yes.

Mr. Davidson.

5432. Sir Edward, just to get quite clear the position with regard to paragraph 8 of section C, may I take it that the view of your Association is definitely this, that any tax which operates as a restraint on trade, whether it be a Terminal tax or an Octroi or a Customs duty at the boundary of the Province, is not desirable in a Federal system of all India?—From the point of view of trade.

5433. Do you also accept the view that, because export and import Customs duties in many States represent the largest source of revenue, it must take time, and the arrival on the scene, if I may use a phrase like that, of alternative sources of revenue, before it is likely that the States may be able to surrender their right to impose them?—Yes.

Sir John Wardlaw-Milne.

5434. I want, if the Committee will allow me, to take you through a number of questions, but I hope the questions will be very short. There is one question arising out of the evidence this morning with reference to the Federal Police. I do not think it was very clear to the Committee what you meant by "Federal Police". Without extending the matter too far, may I ask you whether what you had in mind was that the Federal Police should take control of the C.I.D. as apart from the Department of ordinary police which are at present under the control of the Provinces?—We have in mind a continuance of the present organisation at the Centre, but we support the Memorandum of the European Association for the transfer of the organisation for dealing with subversive crime.

Sir John Wardlaw-Milne.] I will not pursue it further.

Sir Samuel Hoare.

5435. May I just add this question, because it was a point that I think I cleared up with the witnesses who were here the other day. I understood from them, when I asked them the question, that they did not intend that any branch of this kind should be under the Federal government, but they did intend that it should be under the Governor-General at his discretion?—Yes.

5436. I would like you gentlemen to say whether that is your view also?—That is our view.

Sir John Wardlaw-Milne.

5437. Will you turn to paragraph 2 of your Memorandum under the heading "Financial Safeguards". There you refer to the desirability of any vacancies in the representation of the States being filled meantime by the Governor-General. Have you considered the possibility or desirability of these vacancies which may occur at first being filled by an extra representation of the States? Supposing, for example, that only 50 per cent. of the States joined, have you considered the desirability, instead of the Governor-General filling the vacancies, of these vacancies being filled by, say, two representatives from each State, to take an example?—We have, and we thought that would upset the balance, and that a better balance would be struck by the proposal which we put forward.

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5438. You would prefer it to be left to the Governor-General himself at his discretion, or the Governor-General acting through his Ministers—which?—At his discretion.

5439. In paragraph 3 of Section B you refer to the establishment of the Reserve Bank, and you attach great importance to that, of course; but suppose it were the case that it became impossible in the near future, within the next few years, to establish a Reserve Bank for other reasons, are you so strongly in favour of that qualification that you would hold up the whole scheme of Federation until the Reserve Bank had been established?—We do not believe that it would be impossible.

5440. As you do not believe it would be impossible, you have not contemplated the possibility that it would hold up Federation?—We have, and we consider it to be a prerequisite.

5441. In paragraph 5 of Section B you say you are in favour of a Second Chamber in all the Provinces; but you appreciate that the establishment of Second Chambers would naturally mean the incurring of considerable expense. I want to ask you on that whether you are so strongly in favour of Second Chambers in all the Provinces that you would make that a *sine qua non*, whatever the expense might be?—(Mr. Winterbotham.) Quite definitely we would and we think that the question of expense has been very greatly over-emphasized.

5442. In paragraph 13, under the heading: "C—Federal Finance" again you speak especially of Assam and the financial schemes and you say:—"none of the financial schemes yet put forward has provided a scheme which will enable the Province to embark upon the new reforms." I do not know whether you mean that in that case it should be delayed until the finances are sound enough for the purpose. Is that what you mean?—(Sir Edward Benthall.) We consider that it is essential that adequate finance should be found for all the Provinces.

5443. You have not gone into the question of what would happen if it cannot be found immediately?—I think it has to be found if the Constitution is to go ahead.

5444. On that I will ask you this: Is it your view, therefore, that the Federation scheme as a whole should be put on paper and that the bringing of it into operation should be left until the time

when the new Government is able to find the finance?—Yes; I consider that it should be put on the Statute Book as soon as possible and that every endeavour should be made to find the finance as soon as possible.

5445. You appreciate that it has been suggested that that might mean that we are going to leave Indian Ministers, in the future, if I may use a very commonplace expression, to hold the baby, until the finance can be found. You do not think there would be anything objectionable in putting the scheme on paper and then saying to the Indian Ministers of the future: "Now you must find the finance before the scheme can be operated"?—I think a good deal can be done by the Government of the present day, and, may I add, I think they have done a good deal already?

5447. Under the heading: "F—Miscellaneous" in paragraph 3, you say that bills affecting major ports ought to have the prior recommendation of the Governor-General. Is not it possible that there might be certain measures in connection with ports which could suitably be left to Provincial Legislatures? Would not the effect of their passing what you might think were objectionable measures very soon end in these ports suffering from the competition of competitive ports?—At the present moment major ports are a Federal subject and the Provincial Governments act as agents in their administration.

5448. I am sure you would appreciate that it is desirable that the Provinces should have as many legislative powers as possible. Is not this a case in which the present system might possibly be altered, inasmuch as legislation carried out by a Province in regard to its port, if objectionable or if not financially sound, will result in that port suffering to the benefit of its competitors?—We regard major ports, as opposed to minor ports, to be of All-India importance.

5449. In regard to paragraph 1 of your Memorandum under the heading: "G—Commercial Discrimination," may I take it that this paragraph, and, indeed, several of the paragraphs that follow, are all aimed at one cardinal principle, and that is that every British citizen in India, whatever his descent or origin, should be on an exactly equal footing?—I would limit that to this extent, that it should apply to British subjects domiciled in the United Kingdom and Northern Ireland.

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5450. You mean if a British subject whose origin was Canada, for example, or Australia?—May I put it this way: There is considerable feeling in India that if the Dominions discriminate against Indians, the Indian Government should be able to take some action.

5451. Let us suppose the case of a British subject born in Canada who settled at a very early age in India: is he to be debarred from the same rights as somebody born in London?—We hope he would not be, but we are speaking for United Kingdom subjects and companies.

5452. You do not offer any opinion upon that?—No, we are endeavouring to cover the people with whom we are concerned.

5453. May I take it that your reference to United Kingdom subjects refers also to companies, whether registered in the United Kingdom or in India?—Very much so.

5454. And that there should be no commercial discrimination against them, because the White Paper, or the Bill which follows it, should make it clear that there is to be no discrimination against any British subject or company, whether registered in this country, or Ireland, or India?—Yes.

5455. In paragraph 11 under the same heading: "G—Commercial Discrimination" you come to the question of shipping. I take this as an illustration. There has been a very considerable desire in India that the Indian coastal trade, for example, should be perhaps a possible exception to that rule, has there not?—Yes.

5456. Your view would be that it should not be possible for an Indian Government of the future to legislate in such a way as would give the preference to a company or firm controlled or owned by Indians as against one owned or controlled by British. Is that it?—That is so.

5457. By people born in this country?—That is so.

5458. And equally against those registered in this country?—Yes.

5459. It is referred to in two places. You have not considered what actual wording you require to strengthen the clauses of the White Paper in connection with commercial discrimination?—We have made certain suggestions to which we hope the Joint Select Committee will give attention.

5460. Provided the main principle you are putting forward (that I have referred to already) is maintained, you are prepared to leave the wording to our draftsmen?—We reserve the right to criticise the wording when we see it.

Sir Manubhai N. Mehta.

5461. Sir Edward Benthall has said that the seats reserved or allocated to Princes, if they are left unfilled, should be filled up by nomination by the Governor-General. I should like to ask him if that would meet the Princes' demand, that their voting strength should be 40 per cent. in the Upper Chamber?—I do not quite understand the question.

5462. The Princes' demand is that their voting strength should be fixed at 40 per cent. If the seats allocated to them and left unfilled are filled up by the Governor-General, will that meet with the Princes' demand that 40 per cent. of the seats should be given to them?—No, but the Princes would have the right to fill those seats.

5463. In the meanwhile the Princes take the chance that members nominated by the Governor-General may be unsympathetic to the States and may have inclinations opposed to the States?—The Governor-General would take that into consideration in making his nomination.

5464. So that it is not entirely the discretion of the Governor-General, but the Governor-General would be allowed to appoint people who had knowledge of the States?—He would take that into consideration, but it would be at his discretion.

5465. Will they be from British India or from the States?—I would leave that again to the discretion of the Governor-General; but, before appointing States subjects, he would naturally consult with the States.

5466. One or two questions, Sir Edward, about emergency contributions. In reply to Lord Rankeillour, Sir Edward Benthall said that nothing was made definite in the White Paper as regards contributions that the States may have to pay, like all other units, in the event of an emergency. May I draw Sir Edward Benthall's attention to paragraph 141 of the White Paper, which says: "While such surcharges are in operation, each State member of the Federation (unless it has agreed to accept Federal legislation regarding taxes on income as applying to the

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State) will contribute to Federal Revenues a sum to be assessed on a prescribed basis."?—The mistake appears to be mine.

5467. Then as regards commercial discrimination in the States, Sir Edward Benthall says that "The States' representatives expressed themselves willing to accept the principle that there should be no commercial discrimination provided that those who claim equal rights under it do not ask for discrimination in their favour in the matter of jurisdiction and will submit themselves to the jurisdiction of the States." Does he consider that that demand of the States, that if there is to be no discrimination against the Europeans, there may be no discrimination in their favour also, is unreasonable?—I think that is quite reasonable. The trouble is that when trying to interpret this in a case recently we had difficulty because of the status of the States' Courts themselves.

5468. But if the States agree to some arrangement as regards the Federal Court and the jurisdiction of the Federal Court, do you consider this unreasonable?—No, I think not.

Sir P. Pattani.

5469. I have only one question to ask and that is on Finance. I think, you, Sir Edward, subscribe to a general principle that direct taxes will belong to the Provinces, and the States, and that Federal Finance should be found from indirect taxation, provided that in the event of a deficit at the Centre the same should be met (1) by reduction of expenditure, (2) by resort to further permissible indirect taxation, and (3) failing these, by contributions as an emergency measure from all the units of the Federation on a certain agreed basis, every unit being free to find its contribution by any means it likes best?—No.

5470. May I ask your reasons for that?—Principally, because we do not think that the Federation can function without a portion, and, to begin with, a large portion of the income tax.

5471. Supposing that the present Federal Finance is kept intact as it is at present, and it be laid down that provided the Federation can make a recult by balancing the budget at the Centre, then, according to this principle, the Provinces will get the income tax back?—Ultimately.

5472. But if you can provide a reserve after balancing the budget and there is a surplus, you will not disagree that it should go back to the Provinces?—No.

5473. Even after the acceptance of this principle?—We agree to the White Paper proposal.

5474. The White Paper proposal is that half of the Income tax should go to the Federation and it gives the other half to the Provinces, which cuts across the main principle that the Federation could only claim indirect taxes, because directly Federation comes into direct taxes, it begins to interfere with the internal Autonomy of the Provinces and the States?—We see no alternative to some such scheme as is suggested here, in the present circumstances.

Mr. Zafrulla Khan.

5475. One or two questions, Sir Edward, to clear up a point which has already been referred to by Sir John Wardlaw-Milne, and upon which a comment was offered by the Secretary of State; it is with regard to Paragraph 15, under head E, of your Memorandum. I want merely to understand the limits of that suggestion. May I put it to you that there is at present no Federal Police Force as such, and you are not asking anything except the retention of the Government of India's Central Intelligence Bureau?—We go a little further than that, because at the present moment, I understand, the Central Intelligence Bureau has no authority over the Provinces, and it is merely a collecting house for information. We desire to support the European Association proposals in their Memorandum, that the Special Branch should be made a Federal subject.

5476. Which Special Branch?—Dealing with subversive crime.

5477. Do you mean the Special Branch at the Centre at the present time dealing with subversive crime?—No, it largely deals with that.

5478. There is one in existence in Bengal we have been told, but I am not aware that there is one in any other Province?—I was under the impression that there was.

5479. I am speaking subject to correction, but I do not think there is one in any other Province; I am almost

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positive there is none in the Punjab?
—But the power would be there.

5480. That is why I put this question. I want to understand what exactly is the suggestion made under this Paragraph 15 as it reads: "Federal Police should be excluded from this item." We begin with the fact that there is no Federal Police. We are reduced to this suggestion, that you are making some suggestion for the establishment of something, and we want to know what suggestion you are exactly making?—This should really read, I think, that there should be an item of Federal Police in List I; it should be a subject reserved to the Governor-General, and it should deal with subversive crime.

5481. Will you kindly elaborate this a little bit? You would require a Department established at the Centre; may I say, another of those Reserved Departments, besides Defence, and what would be all the implications of it? How would we wish it to function? Would you elaborate that? We are left quite in the dark as to what the scheme may be. You obviously do not mean reservation in Bengal, or in any other Province in which it may at present exist or in future be established, of this Special Branch, but what do you want established at the Centre?—I want at the Centre a co-ordinating body who should keep in touch with subversive crime in the different Provinces, and should advise the Governor-General, who would act through the Governor, and through the Inspector-General of Police in the Provinces. In my opinion—this is purely a personal opinion, but I support the Memorandum of the European Association when they say that normally the Governor would act upon the advice of his Ministers in dealing with this subject. The main problem which the European Association have tried to meet and in which there is a difference of opinion, is the protection of the sources of information; that is the vital point; and as to exactly how that is to be secured, we think that better informed people than us are, perhaps, better qualified to report.

Lord Rankellour.

5482. It was I who first raised this point, and I understood Sir Edward to say that the fact of this being put in the solely Provincial List would prevent anything being done at the Centre, and he did not wish it to be prevented. Was

that not the case?—Not to be prevented?

5483. I understood you to say that the fact of the word "Police" being, I think, No. 50 on the Provincial List, would prevent anything of the kind you now suggest being done at the Centre?—Unless an alteration was made in the List.

5484. Exactly. The thing you objected to was the fact of its being on the solely Provincial List?—Yes, that is correct.

Mr. *Zafrulla Khan*.

5485. Is Police at present a Provincial subject, or not, because very often questions are put here as suggesting that this Provincial List is something entirely new, and revolutionary, whereas there are already Provincial Lists?—I am not an expert on the Constitution, but I believe it is in the Provincial List; there is the Central subject also, the Central Police. I have forgotten the exact terms of it. (Mr. *Winterbotham*.) I tried to make it plain earlier that our comment in paragraph 4 under Section E was induced by the fact that under the present Government of India Act, the division of functions, Government of India Item No. 31, specifically mentions—I forget the actual wording, but it is Police.

5486. No. 31 in the Federal List?—No, under the Devolution Rules.

5487. Then may I put it in this way, Sir Edward: What you desire is not the establishment of a Federal Police Force as might be suggested by an Item calling it Federal Police, but some sort of co-ordinating authority for the purposes of collecting information and making suggestions for dealing with subversive movements at the Centre?—(Sir *Edward Benthall*.) That puts it very fairly.

5488. And that you want that co-ordinating authority to be subject to the control of the Governor-General at his discretion?—Yes, because he is ultimately responsible for Law and Order.

5489. Those are the exact limitations of your suggestion?—Yes.

Dr. *Shafa' at Ahmad Khan*.

5490. Sir Edward, I am not quite clear whether you think that taxes on agricultural incomes are to be levied by each Province or are to be levied centrally or federally?—I have explained that there is a difference of opinion there, and I have given the grounds for the difference

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of opinion, in paragraph 6 of Section C of the Memorandum.

5491. I suppose I am right in inferring from this that you generally approve of taxes on agricultural incomes?—There, again, there is a considerable difference of opinion; but it does not come into the question of the Constitution. This is a question of the allocation of the subjects; not a question of whether it should be imposed or not.

5492. My point is this, that in some Provinces it is absolutely essential that the Provincial Legislatures should be consulted before a tax is levied; I think it applies to all Provinces; and I therefore wanted to bring out whether you personally are opposed to the principle of consultation with each Province before a tax of this kind is levied?—I think that would be a wise provision.

5493. May I take it that your Association approves of the general allotment of revenue indicated in paragraph 2 of your memorandum?—Yes; we approve of the general scheme of allocation.

5494. But I suppose there are certain exceptions which you mention later on?—Yes.

5495. Do you not think that these exceptions considerably restrict the provincial autonomy and the resources at the disposal of the Provinces?—No, I do not think so. We have to look at this from the point of view of the effect it will have upon trade. Our criticism is best directed to that end. We have made the suggestions for consideration and criticism.

5496. Now arising out of what Mr. Carnegie said with regard to the octroi, am I right in inferring that if at the present time the municipal local bodies in Upper India are deprived of the power of levying octroi, they really would not be able to carry on their administration effectively?—(Mr. Carnegie.) Not unless they increased their revenue from other sources.

5497. You are, of course, aware that the resources of local bodies in the United Provinces are very limited?—Yes, that is so.

5498. And that if octroi is taken away from their purview, then it would be very difficult indeed for them to develop education, sanitation and other activities?—The collection of revenue from other sources would be unpopular, but not impossible.

5499. Sir Edward, as regards the Second Chambers, do you think the

Second Chambers in the Provinces should be established without consulting the local Legislative Councils?—(Sir Edward Benthall.) I understand they have been consulted, but we still adhere to our comments.

5500. I think in Bengal the resolution was defeated, was it not?—Just, I think; by a small majority.

[Mr. Butler.] By one vote.

Dr. Shafa' at Ahmad Khan.

5501. It was a majority?—Yes.

Mr. Rangaswami Iyenger.] And the minority included officials and nominated members.

Mr. A. H. Ghuznavi.] My Lord Chairman, I would like only to ask two questions on paragraph 11, but I would prefer, if you would allow me, to put supplementary questions after my colleagues have completed their examination of the Witness.

Chairman.] If you please.

Sir Abdur Rahim.

5502. Sir Edward, would you kindly turn to paragraph 11 of your Memorandum under Section C? You say that: "The Bengal Chamber of Commerce claim that the whole of the export tax on jute and jute goods should be allocated to the Provinces producing jute" (on behalf of the Province of Bengal) "but is willing that a portion should be temporarily restored to assist Federal finances"?—Yes.

5503. You are aware, I think, that it is objected that it is not right that there should be any such differentiation or discrimination in favour of a particular Province. I should like you to elaborate your point in this matter?—We in Bengal consider that it is differential treatment or discrimination that this tax should be put on against the Province.

5504. You know intimately what the financial situation of Bengal at present is. Do you think that it is possible for the Government of Bengal to function usefully unless it has additional sources of revenue like that suggested at its disposal?—If I may say so, that is rather mixing up two questions. As to the question of the financial solvency of the Province, of course we hold very strong views and we consider that the Province has been very badly treated in the past, but that is separate from the question of the export tax on jute which we claim should be allotted to the Province on grounds of principle, not of expediency.

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5505. At present Bengal is one of the deficit provinces, is it not?—Yes.

5506. It has been said also (you know the representatives of Bengal in the Central Legislature allege it) that the high tariffs, for instance, that have been found necessary to protect certain industries have told very heavily on the general population of Bengal?—That is so. Taxes have been put on wheat, salt, cotton textiles, and steel, all of which are largely consumed in the Province.

5507. To that extent it is a fairly heavy imposition on the people of Bengal?—Yes.

5508. You are a Member of the Council of State. As regards the proposal for Second Chambers in all the Provinces of India, could you tell us what the general Indian opinion is regarding the need or the possibility of instituting Second Chambers?—I cannot answer for general Indian opinion, but I can say that there is a strong volume of opinion, not so vocal perhaps as some other classes of opinion, which does stand very strongly for Second Chambers.

5509. As regards the vocal opinion—that is the only opinion that is heard, I suppose—what is the state of the vocal opinion regarding this subject?—(Mr. Winterbotham.) May I draw the attention of the questioner to the fact that the Franchise Committee's Report clearly brings out that the Committees appointed to co-operate with the Franchise Committee in Madras, Bombay, Bengal, the United Provinces, Bihar and Orissa, and Assam, are in favour of a Second Chamber. That certainly represents popular opinion because all those were representative of non-official opinion.

5510. What about the Legislatures. You know the question was put to the Local Legislatures?—(Sir Edward Benthall.) Is it quite fair to ask me what Indian opinion is? I am here to tell you what my opinion is.

5511. Very well. You are voicing European opinion here only?—No; this is the opinion of the Associated Chambers.

5512. I suppose you would claim that if it is in conflict with Indian opinion, the opinion of your Chamber should be accepted on a matter like this?—We consider that we are right in this matter.

5513. There is only one other question I wish to ask and that is this: You know that India at present is enjoying fiscal autonomy; is not that so?—Yes.

5514. You would not suggest any change in that position, would you, or, rather, your Chamber would not?—No change is suggested.

Sir Hari Singh Gour.

5515. Speaking about the Second Chamber, Sir Edward, you are aware of the fact that the Simon Report was against the establishment of Provincial Second Chambers and that they give reasons in favour of their view?—My recollection of the Simon Report was that three Governments: Bombay, the United Provinces, and Bengal; and the Madras, Bengal, the United Provinces and Assam Committees, were all strongly in favour of Second Chambers, and the other four Provinces were divided.

5516. Is that an answer to my question?—As regard the exact recommendations of the Simon Report I cannot remember.

Mr. Butler.] I do not think that ought to be stated. I think it is found on pages 96, 97 and 98 of the second volume of the Simon Report. I do not think it is fair to say that the Simon Report were against the establishment of Second Chambers, considering the first paragraph says that they were considering the balance of arguments on one side and the other; and there is no definite conclusion come to.

Sir Hari Singh Gour.

5517. You have recognised and you have said that the establishment of a Second Chamber in a Province is undemocratic?—No.

Viscount Burnham.] To clear the matter up about the Statutory Commission, on page 97, paragraph 112 they report: "After considering this question"—that is the question of Second Chambers—"with very special care, we have not found it possible to make a unanimous recommendation one way or the other."

Sir Hari Singh Gour.

5518. That is to say, they did not recommend the establishment of a Second Chamber?—That is so.

5519. You have said that it is argued that the Second Chamber detracts from the democratic form of Government, but nevertheless you advocate its establishment. Is not that so?—We do not agree with the argument.

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5520. At the same time, you mention it because you think that that argument has been often used?—(Sir *Thomas Catto*.) We mention that because we want to be fair to the other side; that is why we mention it.

5521. You have said that “some lowering of the franchise is essential in order to give the masses a voice but Second Chambers will provide some security against unwise and ill-considered legislation arising from lack of experience in maintaining sound financial principles.” May I ask you what voice will the people have if the Second Chamber will possess a co-ordinate jurisdiction with the Lower Chamber in matters of finance?—In a joint session they will predominate.

5522. Who will predominate?—The Lower House.

5523. You will give a predominating voice to the Lower House in financial matters?—We have suggested that the Upper House should be small in number. If the size of the House is fixed in accordance with the White Paper proposals, in Bengal it will be an Upper House of 65 and a Lower House of 250; we would like to see 200, but call it 250. Even if it is 200, the Lower House in a joint session will carry the day easily.

5524. In cases of conflict you leave it to the joint session?—You must have a solvent of differences of opinion between the two Houses.

5525. Have you any precedent from any other part of the world where the Upper House possesses co-ordinate jurisdiction with the Lower House?—I am not very good at precedents, but I think this would apply to India.

5526. Have you got a precedent in your own country?—I do not think that applies.

Sir *Hari Singh Gour*.] Does the precedent of any other country apply?

Sir *Tej Bahadur Sapru*.

5527. Have you read the Constitutions of the world?—I cannot carry them in my head.

Sir *Hari Singh Gour*.

5528. You have said that the British qualifications should be recognised in India. Will you give India the right of reciprocity?—I understand it is rather difficult to arrange reciprocity, but we have suggested that mutually acceptable arrangements can be negotiated.

5529. In that case you will leave it to the two governments concerned to establish reciprocity on a mutually satisfactory basis?—Yes, but meantime our people require statutory protection and the recognition of their qualifications.

5530. Would not you give the people of India a corresponding statutory protection also in the United Kingdom?—Certainly, but it is not possible to arrange anything of that sort in a Constitution at short notice.

5531. Then you want a one-sided protection for yourself, leaving the people of India to seek such protection as they may be able to have and such things as they may be able to obtain?—We want protection in this Act, but we do not deny protection to Indians by any means. We would like to see mutually satisfactory arrangements fixed up.

5532. By Parliament?—Between the two Governments.

5533. You have said that till the full quota of Princes joins the Federation there should be nomination by the Governor-General. Would not that replace the present official bloc in the Federal Assembly and in the Council of State?—To some extent, but it could be and would be removed by Indian Princes joining the Constitution.

5534. Would there be any incentive on the part of the Indian Princes to join when they find that the official bloc has already taken their place?—I should think so, for that reason.

5535. Would not that neutralize the vote of the Indian Princes who have joined the Federation?—I do not think so; I think it would restore the balance of administrative experience.

5536. If the Associated Chambers of Commerce are given a representation in the Federal Assembly and the Minister is empowered to nominate an equal number of people for the Federal Assembly will you be happy?—I should be happy if we were given the option of filling the rest of the seats because we should fill them.

5537. That is to say, if the Associated Chambers of Commerce got some seats and the rest of the seats were given to them, they would be happy. I ask you this: We are landed with this difficulty, that if the Governor-General nominates, we will say, half the persons representing the Indian States in the Federal Assembly, that would have the effect of neutralizing the effective vote of the Indian Princes who have nominated the

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other half to the Federal Assembly?—But it is in their hands to fill the other half at any time or at stated intervals.

5538. As regards the Statutory Railway Board, would you turn to your Memorandum heading: "B—Financial Safeguards," paragraph 4, where you say: "The formation of the Statutory Railway Board free from political interference in its administrative functions is a step to which the Associated Chambers attach great importance." Would you leave the question of policy to the Ministers, or would you not?—Yes.

Sir Phiroze Sethna.

5539. Sir Edward, we were told by a witness yesterday that during the last few years there has been a better understanding between British and Indian commercial interests, brought about particularly by reason of more Indian directors being placed on the boards of British-managed companies, and also because some Indians have been taken up to be trained for higher appointments in the service of their British employers. Is that so and, if so, to what extent?—(Sir Thomas Catto.) I do not admit that there has been, or that there is, any substantial disagreement between British professional communities in India and Indian professional communities. I do not admit the principle put forward by my friend here that there has been animosity or that there is animosity between the British commercial interests and the Indian commercial interests. We work very happily together. There are political differences but not commercial differences. There have been steps taken recently (Sir Phiroze has mentioned them) whereby Indians are taken more into British businesses. I am perhaps one of the pioneers in that direction, but I do not admit that I did it because of any pressure or because I thought there was any feeling between the two communities as far as commercial matters were concerned.

5540. I have not advanced that principle. That principle was advanced to us yesterday by a prominent witness knowing Calcutta as he does. If that is correct, I take it that tendency will help to bring about a still closer understanding?—Undoubtedly.

5541. As business men, I take it you attach far greater importance to commercial relations between Europeans and Indians in India rather than to the

Services?—(Sir Edward Benthall.) We do not quite understand the purport of that.

5542. As British traders in the country, you would far rather see that the relations between you and Indians, so far as commerce is concerned, are given greater attention to than the matter of retaining Europeans in the Services in India?—I do not think the two things have very much connection.

5543. May I ask if the appointment of Indians in the higher services of Government as, for example, the Commerce Member to-day, and perhaps a Finance Member hereafter, has prejudiced or will prejudice, in your opinion, the interest of British traders in India?—I have had every consideration from Indian Members in the past.

5544. May I take it, therefore, that, if, after the dates fixed by the Lee Commission in regard to the percentages of Indians in the Civil Service and the Police, that percentage is increased, then the British traders, the British commercial community, will favour that view?—We support the Lee Commission percentages, but we are not giving evidence on that particular point.

5545. In answer to Sir John Wardlaw-Milne, Sir Edward, you said that you would not like any discrimination even against companies registered in the United Kingdom which would work in India. Does that answer apply to companies that are already working in India, or to those that will go out there after the passing of the Act?—That is covered by Clause 124, and we desire no discrimination whatsoever against any companies operating in India to-day, but where a company is registered in the future, we admit that there might be some limited—

5546. —limited enjoyment of concessions?—In cases where bounties are given we agree that certain conditions may be laid down and those are specified in our evidence.

5547. You mean those recommended by the External Capital Committee?—It is not quite that, because if you remember, when this question came up at the Round Table Conference, we asked that the discrimination which is implied in the proviso, that where bounties are given to new companies, the Government might lay down that "such proportion of the directors as Government may prescribe shall consist of Indians," shall be deleted and for that should be substituted the

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proviso which exists in the Bengal State Industries Act, that the Government "shall approve the composition of the Board," and we wish to add, "provided that such approval shall not be unreasonably withheld." That is a small alteration. We are, if necessary, prepared to accept the External Capital Committee's Report.

5548. Did you not accept it at one time when it was published? I think you did, in its entirety?—One Member of our community signed it—possibly two.

5549. But I think Indian commercial opinion has understood that the European commercial community has accepted the recommendations of the External Capital Committee?—Please be under no delusion. We do accept that, if necessary. We ask for this alteration, but, if necessary, we will accept the External Capital Committee's Report. We say in our evidence in paragraph 14, under head G, that, if necessary, in the case of bounties to new companies, we will accept the conditions of the External Capital Committee's Report, but we would prefer a slight alteration of the wording which does away with discrimination, but will, I think, come to the same thing.

5550. In paragraph 29 of the Introduction to the White Paper, it is said as follows: "The Governor-General or the Governor, as the case may be, would be entitled to act otherwise than in accordance with his Ministers' advice, if he considered that such advice involved discriminatory action in the administrative sphere." Do you accept that view?—Yes.

5551. You do not think it would be advisable to do this for the reasons I give, and I cannot do better than give you instances where the interference by the Governor-General may not prove helpful. One case has actually happened within the last few months. The Government of India had to place an order for sleepers for the railways; tenders were received from here and in India. The Indian tender was slightly higher than the British tender, and because it came from an Indian company, the Government accepted that. Now if the Governor-General is approached, as this amounts to a discrimination, in the words of the White Paper, would you like the Governor-General to interfere in such a case as that? I can give you similar instances which may happen?—I think I would prefer to answer that in a general

way. We do not want the Governor-General to be dragged in more than is necessary. We should prefer, if it were possible, to have protection from the Courts, but we consider that it is not possible in the case of an administrative discrimination, and that the Governor-General must on occasion be brought in. We have, therefore, in paragraph 16 suggested a procedure which might facilitate the Governor-General ascertaining the facts and coming to a right conclusion.

Sir John Wardlaw-Milne.

5552. On this point, may I ask a supplementary question? Do I understand that, in the view of your Chamber, you are opposed to the Government of India having the right to accept an Indian tender of Indian materials produced in India even at a higher price? In the case of the Indian Government desiring to give preference to Indian-produced materials, even at a higher cost, for reasons of policy, than would be the case if they imported them, you are not against them having a right, are you, of so selecting the Indian-produced materials?—The Stores Department have that right already.

Sir John Wardlaw-Milne.] I only want to have it clear.

Sir Phiroze Sethna.

5553. But the White Paper will deprive them of that right?—I do not think so.

5554. Then in answer to Sir Reginald Craddock, I think you referred to paragraph 12 of your Memorandum, in which you said that there is some body or organisation which does not accept applications from people with British qualifications. I do not think I understood you right?—No, I did not say that. They have discretionary power to accept.

5555. And have they exercised it against the holders of British qualifications?—No, but they are under pressure to do so.

5556. Under pressure to accept people with Indian qualifications as against British qualifications, or not?—No, to stop granting qualifications under pressure to people adequately qualified—with British qualifications.

5557. But in the case of Indians who have equally good qualifications, would you still insist upon the man with British qualifications being selected?—

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We really think in that case the employer should have the right of choice as to which qualifications he accepted. I am not against Indianisation.

5558. If you want this in a Statute, would you say that qualifications, British or Indian alone, are to be considered?—Yes, we do not ask for American or any other qualifications.

5559. How would you prevent holders of American, German and other degrees practising dentistry, medicine and engineering work in India?—That would be entirely at the discretion of the Indian Legislature.

5560. Would not your recommendation lead to that?—No; we only refer to British qualifications.

Mr. Rangaswami Iyenger.

5561. I have just a few questions, my Lord Chairman. Sir Edward Benthall, you were referring to the nature of the safeguards which the Associated Chambers of Commerce considered essential and you drew our attention also to a sentence on the last page of your Memorandum, the concluding paragraph, namely: "the ultimate welfare of business interests will lie in the hands of Ministers responsible to Indian Legislatures." That is what you ultimately will develop as a result of these Constitutional changes, is it not?—Yes; that is the proposal in the White Paper.

5562. And, therefore, from that point of view, whatever safeguards you want are only for the purpose of seeing that that stage is reached, because that is the ultimate position you want. You do not want to rely upon safeguards, but upon the good will of Ministers?—That is so.

5563. Therefore, the questions put to you with regard to the transitional position of the safeguards really hinge upon that statement, that you expect, ultimately, these safeguards will be unnecessary, and you rely upon the good will of the Ministers?—We have not contemplated that the safeguards will be transitional.

5564. Then what is the meaning of the sentence?—The meaning of the sentence is that, whatever the safeguards, the power of the Ministers will be very large indeed, and the welfare of all business, British and Indian, will rest in their hands.

5565. And, therefore, you will expect the safeguards will become unnecessary by reason of the fact that responsible

Ministers will do it?—We hope so. We hope we shall not have to apply the safeguards.

5566. You may not call it transition, but its nature is such that it will become inoperative in due course?—(Sir Thomas Catto.) May I reply to that? We hope that the safeguards will be like a contract. When a good contract is made, it is put in the safe and is never referred to again; it is there to be referred to, if ever it is necessary, but, usually, if it is a good contract, it is never referred to again. We hope that the safeguards will be like that; that they will be there; it is necessary that they should be there; but we hope that the time will come when they will be rarely, if ever, referred to.

5567. I am not able to see the difference. Apart from that, I will put a few questions on the subject of higher taxes and income tax. I take it, Sir Edward, that your proposition is that while income tax or all taxes on income should be Provincial sources of Revenue, except during the temporary period when the Central Government may need income tax with a view to balancing its budget for some time, it should be levied by the Centre and collected by them?—(Sir Edward Benthall.) Yes.

5568. If that is so, why do you object to surcharges on income tax levied by the Provinces, to whom, after all, these income tax receipts go?—That is one of the very reasons why; because the Provinces will get the proceeds, anyhow; but when this Provincial surcharge was originally suggested, it was to enable the Provinces to get some of the proceeds. That is one of the principal reasons. Another one, as we have set down here, is that we believe that as income tax is very largely secured from business, and particularly British business, and it is an easy way of getting money, we think that that surcharge is likely to be put on at once; and, as we have said elsewhere, we consider that the income tax burden is already too heavy, and the Government have undertaken to remove the surcharge as soon as possible.

5569. In other words, the European commercial community want really to put more obstacles in the way of further income tax—not that you object to this being a Provincial burden?—Yes, we do, because the Provinces are going to get a proportion of the income tax, anyhow.

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5570. Therefore, you have no objection to the income tax going to the Provinces, only it should be levied from the Centre?—Yes; but another important reason is the question of uniformity. It is going to raise an impossible position if you have a lack of uniformity.

5571. I entirely agree with you on that. Then I want you to refer to this question of transit dues and octrois. You are aware that there exist a number of transit duties in respect of Frontiers between Indian States and Indian Provinces?—Yes—customs, are they not?

5572. Yes, internal Customs?—We should like to see those abolished, and we desire that there should be no new ones put on between Provinces or States.

5573. Therefore, it is not a mere question of octroi, but a question really for local purposes in a municipal area, and a question of removing all restraint on internal trade. That is the main thing?—So far as possible.

5574. Then there is only one other question that I want to put with reference to paragraph 8, under head G, and what you have said there in regard to commercial discrimination. You have said, referring to paragraph 8: "The Chambers further consider that it should be made clear that the prohibition of the Federal and Provincial Legislatures (subject to the proviso mentioned above) should extend to all rules, orders and regulations made by Executive or administrative authority under Acts of the Legislatures, and to the rules, orders, regulations and bye-laws made by municipalities, Port Trusts, Local Boards, Departments of Mines, and other such bodies set up by the Legislatures, without which neither this proposal nor proposal 123 would be effective"—Yes.

5575. May I know whether you contemplate the imposition of a restriction of this kind on the rights of self-government of local authorities which do not exist at present?—Yes.

5576. That is, you know that to-day there is no such restriction which you want to impose now upon the local authorities doing this?—Discriminating?

5577. Yes?—No.

5578. And you want this new restriction to be imposed upon local self-government?—If these clauses are to be included, they must be effective, and without this, they will not be effective.

5579. And, therefore, it would be a restraint of the powers of local self-government put into the Constitution?—Yes.

5580. Then one last question. In regard to the question of the financial solvency of the Provinces before Provincial Autonomy is put into operation, I understood you to say that it will be a handicap on the new Governments if they are made to start the new institutions with financial difficulties before them, and, therefore, you would want that these difficulties should be removed?—Yes.

5581. You said that it was a prerequisite, and words of that kind. You have also said that at the same time you would like to have the Constitution on the Statute Book, but that it should await operation until the financial conditions improve. Now I want to know whether these financial difficulties that you now think of are not difficulties which exist, which Provincial Governments and the Central Government have to face?—If I may say so, I think they will be increased. Fresh expenditure will be incurred in many directions and the burden will be greater. I would refer you to paragraph 2, under Section C, that rather refers to Federal resources, but I would point out that with the removal of the jute export tax from the Centre (about a crore and a half) "the additional cost of the new Legislatures" (I do not know what that figure is), "the transfer of a portion of the currency profits to the Reserve Bank," (the only figure I have seen is a crore and three-quarters) "subventions to deficit Provinces, the loss of part of the rice export duty if Burma is excluded from the Federation." Altogether those are some five or six crores of rupees which have got to be found.

5582. I agree. These facts have been brought to the notice of the Committee by the Memorandum of the Government itself, and we have been told that the problems which arise out of the distribution of this jute duty and of currency profits and the like are problems which the present Government have themselves faced and are facing, and the only additional problem you will have to face under the Constitution is the cost of the new Legislature and the new Executive. What I am asking you is, if these problems have got to be faced, would you rather the existing Government should

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go on facing these problems and resolve them, rather than that the new Government should face them and provide for them in a manner which will be acceptable to the people?—I would not like to see any Ministers in Bengal started off under the unfair conditions of the present budget.

5583. Therefore, you would let the present Government of Bengal and the Central Government face the problems as best they can, and not allow the new Constitution to come into force until things are made all right?—We want to get the position made all right before we start off.

5584. But if it is not made all right, what is to happen?—We shall have to put our heads together and try to get the conditions put right.

5585. You have no other solution to offer?—That is the best one, I think.

Sir *Purshotamdas Thakurdas*.] My Lord Chairman, I wish to say at the outset that I am afraid I shall not be able to finish in the same comparatively small space of time that I have taken every time that I have asked questions of witnesses up to now. This is an important question, and we have very important witnesses before us. I would therefore ask you, my Lord Chairman, to grant me indulgence until I have finished the subjects upon which I desire to ask questions, and be instructed myself where there are differences of opinion which, I know, sometimes may be brought out.

Chairman.] I think I will not add anything, Sir *Purshotamdas*. If we cannot get through in time with everybody doing their best, then I must try to make arrangements for these gentlemen to attend before the Committee on another occasion.

Sir *Purshotamdas Thakurdas*.] Thank you.

Sir *Purshotamdas Thakurdas*.

5586. Sir Edward, in paragraph 4, under the heading "Financial Safeguards," you refer to the formation of the Statutory Railway Board, and you say at the end that your Association will be prepared if necessary to give detailed views before the Committee which has been set up to go into it. May I enquire whether your Association have given evidence before that Committee?—No, the position was that this Committee has been set up, and we did not

think it worth while including anything in our evidence before the Joint Select Committee.

5587. Therefore, as far as this Committee, and particularly I am concerned to-day, I understand that the Committee has submitted its report, and we can only discuss this without the report which I understand has been signed?—So far as the Associated Chambers are concerned I should say that we are quite happy because Sir Thomas Smith and Sir Hubert Carr were both on that Committee.

5588. So far as the others here are concerned who had not friends there who could tell them anything, they cannot ask you anything. I can only ask questions about the paragraphs of your report?—It struck us that the Committee was representative.

5589. The report is not before us. You say that the Statutory Railway Board should be "free from political interference," and later on you say: "with a view to administering the Railways solely in the interests of the general public." Regarding the political interference part, that you referred to in the first line, I understand that phrase, because it is very often used, but where your Association say that the Railways should be administered solely in the interests of the general public, I wish to ask whether you agree that questions like one or two I shall name presently would be considered as being in the interests of the general public: First, that where you have in a country a vast railway system like the one which you have in India, and which has been operating for the last 70 years and more, the public expect in the interests of the country that industries ancillary to railway plant should be established if feasible. If, therefore, under the new constitution the Legislature aspired to that, surely you would not call that not in the interests of the general public?—Do I understand you to mean the right of the Legislature to sanction new construction?

5590. No; to aspire to and to see by every means in their power that ancillary industries to railway plant, namely, wagon building or something which would enable the necessary boilers to be manufactured in India, and all the other paraphernalia which is necessary for the purpose of working the railway plant, should be done within the country as far as possible?—Do I understand you to mean, for instance, do I

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approve of preferential being rates given to a large steel company?

5591. I have not asked about any preferential rates, or anything of that nature. Would an aspiration of this nature which is very necessary for the railway plant being manufactured and assembled in the country be regarded as a justifiable aspiration of the people of the country, or would it be tabooed as either political or not being in the interests of the general public? That is my question?—It is a hypothetical question depending on what the exact scheme was, I think.

5592. I suggest to you it is not hypothetical for this reason: Take rails. The concern which manufactures rails in India has been able to progress because the Railway Board assisted, and, in some cases, actually may have given a small preference at the initial stages of that steel company starting to make rails. Would anything of that nature, if extended to wagon building, locomotive building, boiler manufacture and, indeed, anything else which is necessary for the railway plant, be called either political interference, or an aspiration which is not in the interests of the general public?—I should say it ought to be considered entirely on business principles. I am a supporter of the industrialisation of the country, if that is what you mean.

5593. I note your reply, and I only want to know whether you would call it political interference with the Railway Board, or whether you would call it a just aspiration of the Legislature in aspiring that that should be done?—I should hope it would be the latter, but I could not say until I had seen the proposals.

5594. How would your Association look at it?—I hope favourably.

5595. I now refer to paragraph 3 of Section B. I want it to be on record that while we are examining important witnesses like yourself we do not happen to have the report of the Reserve Bank Committee. I only wish it to be on record, and it is not a question which I wish to carry any further. You say that your Association favour and support the pre-requisites to federation as mentioned in the White Paper. That is in paragraph 6 of your statement under the heading "Financial Safeguards." I do not think I need recount to you again the various pre-requisites, as they have

been put down in the White Paper. I wish to ask: Do not you think that these pre-requisites are of too severe a nature and, although one may say they err on the side of the cautious policy, they are much too cautious in view of the times through which the world is going, and also the times through which India is going; and, secondly, that these pre-requisites indicate not only the return of India to normality, but also, to a certain extent, to prosperity?—The Constitution must inevitably take a little time to bring to fruition, and we hope that as time goes along these pre-requisites will be fulfilled within that time. For instance, if you take the short-debt position, that has been very materially improved already.

5596. What about the trade balance being substantially in favour of India as in normal years?—We have referred to that. We hope that the general rise of prices and the improved demand for India's export commodities will come into being which will solve that.

5597. I think in reply to a previous question you said you could not indicate the period. I fully recognise your difficulty. I do not think anybody can indicate the period, but do you think that for the return of India to normality and on the highway to prosperity, which these prerequisites indicate, a period of five years, if indicated, would certainly not be on the extravagant side?—I could not put any figure to it at all, because when an improvement comes it may come very quickly, and, as I have said, a great deal has been achieved already by the Government towards this end.

5598. It is impossible for anybody to indicate what that period may be, as you have said. It may be two years, five years, or 10 years?—Yes, but I understand when we get a little nearer to the inauguration of the Constitution, if these obstacles are still there, Indian opinion will be taken into consultation as to how the obstacles can be got over.

5599. Can the obstacles be got over by any other method than producing rupees, annas and pice?—How can Indian opinion help if in 1936 a few Indians are sent for and asked what can be done?—By co-operation.

5600. In the meantime, not in 1935, 1936 or in 1937 which you have in view, the co-operation has to be from now onwards?—I maintain the Government have started already, some years ago, on fulfilling these prerequisites.

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5601. I have left that statement of yours. I am thinking of the revival of trade, and that is a point on which I want you to concentrate, because that is the point which is beyond the ken of everybody. That is the point on which nobody can foresee anything. The fact is that India is anxious that they should now get out of this present Constitution and get on to a new one as early as possible. You say in Section B, paragraph 6: "The limit of taxation on trade has been reached and the business community views with great anxiety the certainty that still further burdens will be thrown upon the country as a result of the reforms." Restricting myself again to the present and to the next few years, until the ideal conditions laid down in the White Paper eventuate, I wish to ask whether you are agreed that the limit of taxation generally (you refer only to trade and commerce; I am putting it to you generally) has been equally reached in India. Taxation, such as Land revenue, Excise of liquor, Customs, and so on, I have in mind?—Fresh taxes can, we think, be imposed, but our reference was to the taxation of trade.

5602. I know. I quite realise that, and I think I put the question to you quite fairly. I said, "I now want you to consider the others also"?—I have replied that I think certain fresh taxes might be imposed.

Sir *Purshotamdas Thakurdas*.] We will consider that in a minute. I just want to ask one question: I think you said in reply to a question from the other side that finance has to be found for the new reforms—I think I took down the words, but I want to be quite clear whether I took down your words as you meant them to be taken down. You said "finance now has to be found." Now we must discuss what other possibilities there are of finance being found. With regard to commerce you agree that the taxation on commerce is more than complete. There is a very widespread feeling in India that taxation as a whole is on a very high scale, and there is not much room for increase there.

Sir *John Wardlaw-Milne*.] The witness has not said that. He has said the opposite.

Sir *Purshotamdas Thakurdas*.] I am quite clear about it, and the record will be clearer still. I never meant to say he agreed. I said there is a very widespread general feeling about it. If I

had a few more minutes at my disposal perhaps the witness and myself would agree.

Sir *John Wardlaw-Milne*.] I only want to get it clear.

Sir *Purshotamdas Thakurdas*.

5603. A very esteemed witness before us suggested one method of increasing taxation, or of making more money available to the Government. I will give it as I understood it, and, if any member thinks he can improve on it, I hope he will do so. He said that if the Government could divert some of the excessive rates of interest which are being taken from the masses by the Sowkar or the Banya you will get all you want not only for the Provincial deficit, but for the Central deficit. I want to know whether this is not a very old idea at which the Government have aimed ever since they started legislation, that co-operative movement has made certain progress in that direction, but if anybody says this will get you 5 or 10 crores within the next few years which you can foresee, how would you regard that constructive suggestion?—I should ask the witness how he proposed to do it.

Sir *Purshotamdas Thakurdas*.] This is the only indication he gave, and I am giving you a summary of what he indicated.

Lord *Rankeillour*.] He said he was quite ready to tell us, but nobody had the audacity to ask him.

Sir *Purshotamdas Thakurdas*.

5604. I hope the noble Lord does not exactly mean what the word "audacity" indicates. Everyone here was trying to economise time, and, as you may remember, when this witness put forward this suggestion we were very nearly at the end of the scheduled time and, if, in trying to save your Lordship's time, one exposes himself to that risk, I feel that we shall have to insist that you become more lenient to us. I will leave it at that. It is not a question of audacity. The question was so simple that these gentlemen who represent the best class of British commerce are perhaps in a better position to express an opinion about it than that esteemed gentleman who certainly was not in commerce. I therefore wonder whether you would differ from me if I say that that suggestion can be looked upon as one which may in the course of five, 10, or 20 years

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[Continued.]

develop into something, but for the next few years up to, say, a decade, you cannot get much from that source?—I think that is correct.

5605. We are therefore reduced to this, that unless you favour us with some concrete suggestions regarding raising more taxation either in the Provinces or in the Centre, we must look out for economy?—May I say we have not attempted to suggest sources of taxation? The problem of the White Paper is the allocation of the sources and not whether they should be put on or not.

5606. I fully realise that, Sir Edward, and I wish therefore to tell you that we are now faced, both the Committee and the witnesses, with the position that there is not the money to go round, and what would you suggest, anxious as you are, as much as the Government, that the White Paper should be capable of being put into practice as early as possible? I only wanted to ask whether you wish to suggest anything? If not, I will go on with other questions?—I do not want to suggest anything here.

5607. Then we are reduced to the question of economy, and it has been said that there is locally room for economy. I wish to ask generally whether, with the experience of your friends in the various Provinces, you think there is room for substantial economy in what are known as the Transferred Departments in the various Provinces as a whole?—I think that all Provinces have examined their budgets very carefully indeed, and that every possible economy has either been achieved or is being put in hand already.

5608. Would you say that economy in the Provinces in the Transferred Departments can save 5 or 10 crores to the Provinces all put together?—I am not sufficiently expert to venture an opinion.

5609. The only other question which remains is the one which has attracted most the attention of the Indian public till now, namely, the question of the expenditure on defence in the Central Government. Have you a copy of Volume II of the Simon Commission Report?—Yes.

5610. Will you look at paragraph 248?—Yes.

5611. There Sir Walter Layton deals with the expenditure on defence, and he says, on page 217: "India, in fact,

has not obtained any relief from the greater sense of world security, which has succeeded the World War. On the contrary, her defence expenditure has risen even after allowing for the rise in prices and has grown more rapidly than in other parts of the Empire. This is apparent from the following figures quoted by Mr. Jacobson," and he says in Great Britain the percentage in 1928 over the 1913 figure is 48.9 per cent.; for India the increase is 100 per cent.; for the Dominions the increase is 33 per cent., and lower down you see he gives in that summary the various figures for the various countries, and India has the distinction of standing number seven amongst the most important countries in the world. Further, he points out this on page 218: "It is relevant to my present purpose to point out that the total is at present so large, both absolutely and in relation to the revenues of India, as to be a dominating factor in the financial situation." I wonder whether you would differ from this observation of Sir Walter Layton?—I think everyone in India is aware of the burden of the Army and, so far as I am myself concerned, I had the honour of serving on an Army Retrenchment Committee. The remarkable thing about that Committee was that at each stage at which we reported we found that the Army had already retrenched more than we could recommend. They faced this problem with a full appreciation of the seriousness of the position, and, so far as I know (and I have tried to keep in touch with the problem) they are still endeavouring to retrench. I have the fullest confidence that they will continue to do so.

5612. I have heard about this. One could not expect anything less from the Army Department up in Delhi. I wish to draw your attention to page 207 of the Simon Report. There is a very significant statement made there which I think requires to be borne in mind. Sir Walter Layton gives certain figures in paragraph 238, and he goes on to say this: "These simple figures illustrate three of the chief features of the financial situation in India, viz.: the mass of the people are extremely poor." Secondly (this is the point I wish to call attention to). "She is incurring expenditure on the primary functions of government such as defence and the maintenance of law and order, as high in proportion to

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her wealth as Western nations." I therefore feel that whatever may have been achieved by a Committee of the Government of India regarding making reductions in the various Departmental Heads, what is required is a substantial change of policy, and I wish in that connection to ask whether you have had occasion to see a very important contribution by Sir Reginald Craddock in "Nineteenth Century and After," January, 1926?—No. Sir Reginald Craddock says this, and I will read what he says in order to explain in what connection this was written. This is on page 2 of that journal: "In 1922, shortly before I relinquished the office of Lieut.-Governor of Burma, I submitted to Lord Inchcape's Committee a note on Indian finances which also contained certain suggestions upon this subject of preference for British goods. That Committee held the latter subject to be outside their Terms of Reference. Now, however, with the general depression of industry, and the grave unemployment from which this country is suffering, I venture to revive these suggestions for the consideration of those best qualified to form an opinion on them." Sir Reginald Craddock, in the course of that contribution of his, puts forward the Indian criticism of the military expenditure in his own words, which I cannot improve upon. He says this on page 6 of that Journal: "As regards the British Army in India, it can be argued on the British side that the Army is so essential to Indian peace and security that the charge is proper and not excessive; and it can be argued on the Indian side that India is paying for troops which, however beneficial their presence and protection to India may be, are maintained there for the protection of British lives and British interests."

Marquess of Reading.] May I ask a question on this matter, my Lord Chairman, however important it may be? For some time Sir Purshotamdas has been reading from an article which the witness has already said he has never seen. Is it right that he should have all these passages read out to him and then be asked a question upon them?

Sir Purshotamdas Thakurdas.] I was not thinking of reading any part of that article at all. I was only thinking of putting before the Committee the Indian point of view which, if I may put it in the words of Sir Reginald Craddock, may

be accepted more readily; he puts the whole thing in a very pithy form; and I was not going to read more than six lines of this article.

Sir Austen Chamberlain.] Is not the purpose of the examination of witnesses to get the opinion of the witnesses, and not to enable us to put our own points of view? That we can do in our discussion.

Sir Purshotamdas Thakurdas.] I was not trying to put my point of view at all.

Chairman.] I am waiting for Sir Purshotamdas Thakurdas's question. I intend that it should be the last. I propose to adjourn after he has put it.

Sir Purshotamdas Thakurdas.] I was wondering whether Sir Austen will remember that when we were discussing the subject the other day I said I did not propose to take up the time of the Committee then. I feel that, unless I bring this out here, I cannot ask the witnesses the point of view which British commerce in India adopts. I submit that I am not taking up the time of the Committee unduly, but I am aware that every minute I take up is valuable to other members and delegates.

Chairman.] Will you continue, Sir Purshotamdas Thakurdas?

Sir Purshotamdas Thakurdas.] "and that the British recruit after a short sojourn in the country returns to England a trained soldier (a fresh recruit being sent in his place at great expense) and becomes an asset of value to Great Britain and to the Empire. The cost for British troops as compared with an equal number of Indian is a perpetual cause of complaint. They have to be brought to India and taken back; a large proportion of them go to the hills in the hot weather. Their barracks cost much more, so do their food and clothing. A British unit costs four times as much as an equivalent Indian unit. It is not, however, necessary to attempt an exact appreciation of the relative benefits to Great Britain, the Empire and India of the British garrison in India." I suggest, Sir Edward, that although this point of view may be one which is generally prevalent on the Indian side, there is not much in this which you may differ from. I wish to know whether you agree with or differ from me?—I would not like to give an opinion upon that without studying the article carefully and be given

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time to answer your question. If you wish to make the point that the cost of the Army should be reduced further, I think you will find that the policy of the European representatives in the Assembly is always to press for reduction in the cost of the Army within the limits of safety.

Chairman.] The Committee stands adjourned until Tuesday next at half-past 10 o'clock. If it is convenient to those gentlemen, I propose as a tentative arrangement (I have not yet had an

opportunity of consulting my right hon. Friend the Secretary of State) to ask them to return during the hour from 2 to 3 on Thursday. The Committee is not present in sufficient strength at the moment, and indeed I am not quite ready to place before the members of the Committee and the delegates a proposal for the setting up of Sub-Committees and for the remits to those Sub-Committees. The Committee therefore stands adjourned to 10.30 o'clock on Tuesday next.

(The Witnesses are directed to withdraw.)

Ordered, That the Committee be adjourned to Tuesday next, at half-past Ten o'clock.

The further evidence given by Sir Edward Benthall and the representatives of the Associated Chambers of Commerce of India on Thursday, the 18th July, is printed here for convenience:—

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[Continued.]

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are recalled and further examined, as follows.

Sir Purshotamdas Thakurdas.

6107. Sir Edward, since the adjournment last time, I understand you have had an opportunity of reading that issue of the "Nineteenth Century" article to which I referred last time?—(Sir Edward Benthall.) That is so.

6108. In view of your last answer, do you wish to say anything in addition to what you said last time, as we concluded?—Not on the point on which you were questioning me last time.

6109. In view of the financial position of India, as disclosed in the Memorandum of Sir Malcolm Hailey, which has now been published, do you agree that a very substantial reduction is due in the military expenditure of India as a whole, if the Reforms are to have either an early start or a decent start?—I would not go so far as to say that. I would say, as I said before, that we are anxious, like everybody else, that there should be a reduction in the Army expenditure, and, of course, it would help the Reforms; but, as I said before, I am confident that the position is being tackled both by the Government and the Army.

6110. Do you not think that a very substantial change in the principles of the policy underlying the Military expenditure of India is the only thing which can save the financial situation of the Government of India, either immediately or in the near future?—I would not go so far as to say that; it is largely a technical matter. I think the thing which would save the financial situation quicker than anything else is an improvement in prices and an improvement in exports.

6111. And if that takes long in coming, then you would agree that the reduction of the Military expenditure of India would be imperative, because there would not be the money to go round?—If the situation gets any worse, the position will have to be reconsidered, and I think

the Finance Member has made that point in the Legislature in India.

6112. I wish to draw your attention to a statement made by Sir George Schuster at the Ottawa Conference, when he says this—and this is the only sentence I wish to read: "The gold export of India which is continuing at the moment is the key factor which must be remembered in assessing the realities of the economic situation." He said that on the 25th July, 1932, and for the last two years and more the normality of India, as it appears to the outside world, has been dependent upon the gold export of India, and on little else?—We have made the same point in paragraph 6 of our Memorandum.

6113. Therefore, it cannot be expected to continue indefinitely, nor even for a very long time?—Not indefinitely.

6114. Nor for a very long time?—No.

6115. For some time India has been, and is to-day living on what may be the fat of the people themselves, and there must be an end to the stock of that?—There must be an end, but not just yet, I think.

6116. You are still expecting the gold export to continue for a good few years, are you?—No, I would not go so far as to say that.

6117. In Section G, Sir Edward, you refer to the question of commercial discrimination, and I suppose you will agree with me that the question of administrative discrimination and safeguards against it was never referred to at the First Round Table Conference and was started only at the second?—I was not present at the First Round Table Conference, but I do not remember any record of it in the transactions.

6118. And you would agree that stopping that administrative discrimination is a much more difficult and, perhaps, a much more delicate thing than stopping discrimination by legislation?—Yes. In answer to your first question, may I add

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that I think the matter was fully discussed both at the Second and at the Third Round Table Conference.

Sir *Purshotamdas Thakurdas*.] I was only referring to the First.

Sir *Hubert Carr*.] May I suggest, my Lord Chairman, that at the First Round Table Conference the Conference was concerned to get common agreement that there should be no discrimination, which naturally was taken to cover both legislative and administrative.

Sir *Purshotamdas Thakurdas*.

6119. I am quite aware that, starting with that principle, members have been told if they agreed there should be no discrimination, then it is only a natural corollary that administrative discrimination should also be stopped. I am going to ask the Associated Chambers of Commerce whether they see any difference between discrimination by legislation and stopping it in matters which cannot be assessed by a Court of Law, as has been already admitted by them, but if I may proceed with it, Sir Edward, perhaps, you will agree with me that there is nothing on the Statute either regarding discrimination being prevented by legislation or in connection with administrative action?—There is nothing in the present Government of India Act, but there has never been any occasion for it.

6120. We will discuss that in a moment. If not having that on the Statute is a handicap, then the Government of the last hundred years has been working under that handicap; and the people have been working under that handicap. Either it is necessary to have prohibition against discrimination or it is not necessary. For the last hundred years the Government of India have not found it necessary to have anything on the Statute?—There was a Declaration by Queen Victoria.

6121. That will still hold good, I take it. It is not proposed to cancel that Declaration, is it?—I think not.

6122. Therefore, there is something more now to be devised regarding discrimination in addition to what has been in vogue till now. What is the reason?—Yes. If I may say so at this point, what we have tried to do in this Memorandum is to draw attention to the measure of agreement which has been

reached at the Second and the Third Session of the Round Table Conference, and we have assumed that the Government have tried to put into words the conclusions of those two Sessions; but the Government themselves say that the words employed are not meant to be the Statutory form, and we have tried to point out the way in which the words they have employed do not quite meet the case; but, as to the principle, the principle was agreed at the Second and Third Conferences.

6123. What you want is that the White Paper should be strengthened in that connection, but you must be aware that both at the Second and the Third Round Table Conferences there was a certain amount of Indian opinion which was definitely opposed to this, and I am trying to understand the reason which justifies your Chambers in approving of the very principle of having a safeguard against administrative discrimination. I wish to ask whether it is not a fact that although during the last hundred years there has been nothing in the Statute regarding discrimination, if there has been anything in the direction of discrimination, public opinion both in the Press and general opinion in the Councils have, to a certain extent, taken off the worst edge of discrimination, and have acted as a good check on such efforts.

Sir *Austen Chamberlain*.] What is the question?

Sir *Purshotamdas Thakurdas*.

6124. I was asking Sir Edward whether it is not a fact that during the last few years public opinion in the Press and in the Councils, as reflected by the reports of discrimination has acted as a corrective to any effort at discrimination, either administrative or otherwise?—I am not sure that that was very noticeable in the case of the Haji Bill.

6125. The Haji Bill is not passed. Are you aware of what is called the scandal in connection with railway sleeper purchases on the North-West Railway?—No.

6126. Which was referred to a Committee of the two Houses of the Legislative Assembly and the Council of State, and on which two of your Members, Sir

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Arthur Froome and Sir Campbell Rhodes, acted?—No.

6127. I will ask you one question in connection with paragraph 8. There you express a strong opinion in connection with inter-Provincial Customs duties being stopped under the new Constitution?—Yes.

6128. Would I be right in construing that to mean that you wish to stop any reversion to what was prevalent in the days of the East India Company, when various Provinces had their own Customs barriers, thus interrupting free transport of raw material and manufactured articles from one Province to the other?—Most certainly. That is what we mean by the words: "Any development of 'Economic Provincialism' will be disastrous."

6129. In fact, what your Chambers desire is that under the new Constitution, as far as the manufactures of India are concerned, the whole country should be open without any handicap for manufactured articles to go from one part to the other?—And raw materials, too. We want the freest and widest possible free trade.

6130. And if I may take it one step further, that no port which is a port of transit should handicap the export of raw materials to, or the import of manufactured articles from abroad merely because the Provincial requirements are supposed to need further assistance in that direction?—I think the Associated Chambers would always support that.

6131. Regarding what you say in paragraph 12, under Section G, and in paragraph 5, under Section F, where you indicate the desirability of leaving certain measures open for the King's pleasure, as you put it there, may I ask whether this is not a further advancement even on the control of the Governor or the Governor-General, which implies necessarily the control of the Secretary of State?—I do not think so. The reservation of Bills is a common feature of Dominion Constitutions.

6132. But then they have not these safeguards which you support, to such an elaborate extent, in India, have they? Let me put it in this way: Why do you want after the Governor or the Governor-General recommend a Bill or approves a Bill, a period of four to six months to elapse in order that people may, at leisure again, if they want to, start their agitation about it at this end and not in India?—Both these points refer only to

legislation which has a discriminatory effect, either against Europeans or other minorities in the country.

6133. True; but would not that be adequately looked after by the Governor and the Governor-General in view of what have been called their special responsibilities in this connection?—We think it would be consistent with the duties of Parliament towards minorities, that they should consider discriminatory legislation.

6134. And, therefore, you think that even though the Governor and the Governor-General in India may be in agreement with the change which may be sought to be made, a time of six months or approximately that should be allowed to elapse so that people may think of any other means, if they wish to, of putting up opposition to such a change?—But consent may be given almost immediately.

6135. It may take up to six months or a year?—I do not think that is necessary.

6136. No, but it may be; it is not cut out. The King's pleasure may be exercised at any period; there is no limit to the King's pleasure being refused?—Yes, there is, I think; it is within 12 months, at the outside.

6137. I said six months; therefore, you would agree with me when I said six months?—Yes, but there is nothing to stop it being given immediately.

6138. But it may be up to one year?—It may be. It is up to one year, I think, in all the Dominions.

6139. Therefore, this is an addition to the safeguards indicated at any of the Round Table Conferences?—I do not think so. We have always asked for reservation, and reservation, I think, has always been considered as one of the features of the Constitution.

Mr. M. R. Jayaker.

6140. Sir Edward, your Association speaks on behalf of British subjects domiciled in the United Kingdom and trading with India?—Yes.

6141. You do not represent British subjects who are not domiciled in the United Kingdom?—No; we are speaking for the first class.

6142. And they accept the principle of reciprocity?—Yes.

6143. What will be your Association's view? Do you suggest that British subjects belonging to other parts of the British Empire should enjoy in India rights which their own country does not

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give to Indians?—I think I made it clear in an answer to a previous question that we were only representing British subjects domiciled in the United Kingdom, and while we hoped that British subjects domiciled in the Dominions would be treated in the same way as British subjects domiciled in the United Kingdom, that was a matter of arrangement between the Government of India and the Governments of the Dominions.

6144. You do not advocate that they shall enjoy in India rights which their own country does not give to Indians?—It is a matter of negotiation, I think.

6145. What is your own view? You are an important man in British India. Do they suggest that they should enjoy in British India rights which their country does not give to British Indians?—No.

6146. One more question, Sir Edward, if you would kindly turn to paragraph 11, under Section E, of your Memorandum. I do not see what you mean by paragraph 11. Is it your view that Provinces should have the freedom of developing industries which they desire to develop without being required to subsidise similar industries outside that Province?—No. I think, perhaps, our evidence there is not quite clear.

6147. That is why I am asking you?—If we turn to List 1, Item No. 26, there is an item which reads: "The development of industries in cases where such development is declared by or under a federal law to be expedient in the public interest." The point which we wish to make might be met by the subject under List 1, No. 26. What we want to prevent is unfair treatment of trade by the heavy subsidy of an industry in one Province and not in another.

6148. I want to understand your position quite clearly. Are you in favour of giving to the Provinces freedom to develop their own industries for which they think a Province may be quite good?—Yes, but we want some provision made for the prevention of differentiation of treatment in different Provinces, and I suggest possibly No. 26 of List I will cover that.

6149. I want to make it perfectly clear. Do you mean, supposing Bombay develops the biscuit industry, and there is a similar biscuit industry going on in Madras, will you leave Bombay free to subsidise its own biscuit industry without the industry being subsidised in

Madras?—Yes; we do not suggest that Bombay should subsidise a Madras biscuit industry, but we think there should be some co-ordination of subsidies in the different Provinces.

6150. You would not put a ban upon the Province subsidising its own industry?—I do not think a ban is put by List 1, No. 26.

6151. I am referring to List II, No. 38. Is it suggested that the Province should be deprived of that freedom?—No.

6152. In the First Round Table Conference a formula was devised in connection with commercial discrimination?—Yes.

6153. Would you turn to page 49 of the First Round Table Conference Report in the Minorities Committee's Report. I think the formula was the result of a compromise between the Indian and British Commercial communities. "At the instance of the British commercial community the principle was generally agreed that there should be no discrimination between the rights of the British mercantile community, firms and companies, trading in India and the rights of Indian-born subjects, and that an appropriate convention based on reciprocity should be entered into for the purpose of regulating these rights." May I know if you accept this formula?—Yes, but it was taken considerably further at the Second and Third Round Table Conferences.

6154. Do I understand that you do not think that an appropriate convention is possible?—We have said in paragraph 2, of Part G of our Memorandum, that we put forward the proposal for a Convention ourselves, but it was not found practicable to accept the Chambers' proposal, and, if I remember aright, at the Second Round Table Conference it was you, Mr. Jayaker, who said that such a Convention ought to be negotiated between the Government of India of the future and the Government of Great Britain.

6155. That is so. Would you agree to such a Convention being created at the right time?—If it could be negotiated.

6156. I am assuming that such a Convention could be negotiated. Would your Association agree to such a Convention?—Certainly, provided it secured our rights.

6157. I mean a Convention which carried out the principle which is contained in the first part of the formula. This formula embodies in the first part

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the principle of it, and, in the second part, it suggests that the Convention should carry out the principle which is embodied in the first part. Would you agree to such a Convention?—Yes; of course it has got considerably more complicated than that paragraph indicates, since that time.

6158. I want to know whether you think a Convention of this character cannot be worked out. That is not your view?—We always felt it could, but practical difficulties were put in the way.

6159. Supposing those practical difficulties could be got over, merely as a matter of principle your Association would accept a Convention of that character?—Yes, we liked the idea.

6160. One more point before I close. In paragraph 2 of Part B of your Memorandum under the heading of "Financial Safeguards" you suggest that the seats reserved for the States, in the event of all of them not coming in, should be filled by the Crown?—Yes.

6161. Have you considered in detail what this proposal would amount to?—I suppose you suggest that the Crown, acting through the Viceroy, should nominate these people?—Acting through the Governor-General, I think.

6162. Through the Viceroy in his own discretion?—The Governor-General in his own discretion.

6163. The Governor-General is to nominate whom? Members belonging to the States or to British India?—We would give him complete freedom in his discretion as to whom he nominated, but personally I would say I do not contemplate his nominating officials.

6164. You realise in certain contingencies it may mean nominating 62 men?—Yes.

6165. In a House of 375?—Yes.

6166. Do you think it would keep the balance between the different Parties, the Governor-General nominating 62 men of his own choice? Whose mandate would they follow?—The Governor-General's. I do not think they would necessarily act as a *bloc* at all. They would be representative men (I think the expression has been used) "of the cross-bench mind."

6167. How would the interests of Indian States be looked after?—I think in that matter the Governor-General would use his discretion, and probably appoint a number of State subjects.

Sir Tej Bahadur Sapru.

6168. Would you turn to paragraph 16 under Part G of your Memorandum. "Commercial Discrimination"? In answer to a question put by Lord Zetland on the previous occasion you said you would not favour relief being given to you, in the matter of discrimination, by Courts. That was your answer?—No. I do not think so. As regards legislative discrimination we want the Courts.

6169. With regard to administrative matters?—Administrative, yes.

6170. If you look at paragraph 16 it comes very near to judicial examination?—That is one of the reasons why we put that forward.

6171. Why do you object to take it to its logical sequence? If the Judge has to examine the facts and report, why cannot you accept the Judge's final Order?—In the case of the inquirer, who *might* be a Judge, he would be there to elicit the facts.

6172. Personally speaking, I hardly seem to distinguish it from an ordinary judicial trial excepting that the final Order is to be passed by the Governor-General or by the Governor?—I might put it this way: The sort of administrative discrimination which we imagine would, as I have tried to explain in answer to another question, largely take place in the head of the man who discriminated. Similarly the Governor-General, or Governor, would have to determine in his own head whether that was discrimination or not. We are advised by our lawyers that it is extraordinarily difficult to define what "administrative discrimination" is, and they advise us that no Court can define "administrative discrimination" adequately, to give us the protection we seek.

6173. May I direct your attention to one sentence there: "The person holding the Enquiry, who might, in important cases, be a High Court Judge, would report to the Governor-General or Governor, who would thus be in a position to form his own opinion as to the course to be taken with the full facts before him." I take it that your point is that if a Judge of the High Court, who has been appointed as an Enquiring Officer, submits his findings to the Governor-General, it is open to the Governor-General not to accept his findings and say "No, I come to a different conclusion"?—I imagine in the case of

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a High Court Judge he always would accept the facts as correct.

6174. You realise among High Court Judges in India, and I believe here too, there is a very strong objection to their being associated with administrative enquiries. They do not want to get mixed up with matters which they are not able to decide finally. That is an aspect of the question. If I were a Judge of the High Court, and I were summoned to report on an Enquiry and to submit a report to the Governor-General which might be turned down, I would much rather resign the office than conduct the Enquiry?—We say only that it *might* be a Judge of the High Court.

Sir *Austen Chamberlain*.] Sir Tej is aware that not infrequently the Judges of the High Court in this country are appointed to conduct enquiries.

Sir *Tej Bahadur Sapru*.] I can assure you there is a very strong objection to it in India.

Sir *Austen Chamberlain*.] Nevertheless it is done. The Lord Chancellor is a striking instance.

Sir *Tej Bahadur Sapru*.

6175. That is one of those historical accidents that occur in history. (*To the Witness*.) You said you would like to have Federal Police?—By Federal Police I think Mr. Zafrulla Khan elicited exactly what we mean, and put it very well indeed. What we meant by "Federal Police" was a Central Intelligence Department such as exists at present but under the Governor-General; may I say, in permanent existence. The Department would be in permanent existence.

6176. I am only wanting you to clear up this point. Supposing the Federal Police submits a Confidential Report to the Governor-General suggesting that he might take action against a certain number of persons on a charge of conspiracy who is to be responsible for the actual prosecution, and who is to find the funds? Supposing the Local Government says: "We are not prepared to spend 29 or 30 lakhs of rupees on this conspiracy case," who is to find the funds?—That would depend whether you put the subversive movements in List I or List II, and whether you put the Special Branch of the Police in List I or List II. But ultimately it would come down to the Governor acting with his responsible Ministers, taking his Ministers into consultation, acting through the ordinary police force.

6177. The Governor-General might pass an Act for the prosecution of a certain number of persons, and the Local Government might have to find the funds for the prosecution. Conspiracy prosecutions are by no means inexpensive. One recent prosecution has cost nearly 30 lakhs of rupees?—That would be a matter for His Majesty's Government to decide, and it would depend whether they put subversive movements in List I or List II.

Lieut.-Colonel Sir H. Gidney.

6178. I want to ask Sir Edward Benthall just one or two questions. You have been long resident in India, have you not, Sir Edward?—A number of years.

6179. I take it that you are closely familiar with the present position of the domiciled community in India?—Yes.

6180. What in your opinion is the position of that community to-day? I refer to Calcutta and Bombay?—It is very serious indeed in Calcutta.

6181. What is their position in Bombay?—(Mr. *Winterbotham*.) It is very serious indeed in Bombay.

6182. What, in your opinion, are the chief causes to which this position is attributable, or one or two of them?—(Sir *Edward Benthall*.) Trade depression primarily. Secondly, they have lost certain avenues of employment which they have largely enjoyed in the past.

6183. You mean Government employment?—Yes.

6184. You need not answer if you do not want to. Could you suggest any means by which this could be rectified outside the present very deplorable means that are in force—charity?—No; only improvement in trade will help the position, of course, and so we hope will education in the course of time.

6185. Could you suggest any provision for protection, as you claim protection for your commercial interests by virtue of the enormous amount of money British firms have sunk in India?—We claim it against discrimination.

6186. Would you say that the deplorable economic condition of the community is due to discriminatory causes, I refer to the Anglo-Indian unemployment?—I think it would be difficult to call that discrimination, in the sense that we mean.

6187. Do you voice the opinion of the entire British Chambers of Commerce?—I think so; yes.

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6188. In reply to Sir Purshotamdas Thakurdas you said you voiced the opinion of the Europeans not domiciled in India?—Yes, most of the people I represent are British subjects domiciled in the United Kingdom.

6189. Is it or is it not a fact that there are certain members of your Chamber who are Europeans domiciled in India?—Yes, and we have Indians too.

6190. Do you require protection for them too?—In trade matters?

6191. Yes?—Yes.

6192. I think you told Sir Purshotamdas Thakurdas that you voiced the opinion only of those members who were domiciled in the United Kingdom?—I would thank you for clearing up the point. My definition in that respect referred to overseas British subjects—overseas from India.

6193. You do not require any protection for those Europeans who are domiciled in India, the Domiciled European?—Yes, certainly.

Mr. N. M. Joshi.

6194. In your Memorandum in Part B, paragraph 4, you say you want a "Railway Board free from political interference in its administrative functions." If there is any deficit in the Railway budget, whom do you expect to find the money to pay the interest on the loans?—In the event of failure to balance the budget?

6195. In the event of the failure of the Railway Board to find the money to pay the interest on the loans taken for Railways, how is the money to be found?—I take it in such cases, which is not likely to happen for some time, the Federal Government would have to find the money.

6196. If the Federal Government is to find the money, which may be necessary on account of the mismanagement by the Railway Board, do not you think it is reasonable that the Federal Government should have power also to check the administrative branch, so that deficits may not be caused?—Such a failure to make profits might not be due to mismanagement of the railways, as you suggested, but it might be due to a faulty policy of the Legislature.

6197. But at the same time if the Government is to be responsible to pay the deficits, and if the Government comes to the conclusion that that deficit is due to administrative mismanagement, then is it not reasonable that the Government

should have power to control the administration?—To alter its policy, yes.

6198. But if, after controlling the policy, they find that the Railway Board administers the railways in such a way that a deficit is inevitable, do not you think that in that case at least the Government should have power not only to control the policy but administration also?—No, I do not. I would not allow the Legislature, or the Government, to interfere with the administrative functions of the Railway Board. If the Railway Board, or the railway authority is not carrying out its functions I would change the authority, but I would not allow the Legislature, or the Government, to assume the functions of the administrative authority.

6199. May I take it you will leave the power to the Government to change the railway authority?—Some power would obviously have to be left somewhere.

6200. Then in paragraph 5, under Section B, you are talking of Second Chambers which will be representative of various interests. You say this: "Second Chambers would help to ensure this in all Provinces and should include ex-public servants and representatives of agriculture, industry, universities, landholders, commerce, medicine, etc." I suppose you will not object to Labour being represented in the Second Chamber?—I would not object, but I think they will have very heavy representation in the Lower Houses.

6201. Do you visualise that the Second Chamber will consider Bills affecting labour?—Yes.

6202. Do you think it is not necessary at all that there should be someone who knows about labour matters?—I do not deny them representation.

6203. You said it is not necessary, because they are represented in the Lower Chamber?—I do not think I said it was not necessary; I merely pointed out that they would be represented in the Lower Houses.

6204. Still, you think it is absolutely necessary that there should be some representation, even in the Upper Chamber?—Yes, I think it would be desirable.

6205. Then, in the next paragraph you talk of high qualifications for electors and candidates. Now will you tell me if there are to be Labour representatives in the Second Chamber, what kind of high qualifications for electors and candidates you are thinking of?—Brains.

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6206. May I ask you what standard you will lay down for the representative of factory workers, say, brain qualifications?—That would be a matter for a Franchise Committee, I think.

6207. Now may I ask you one more question as regards some suggestions which you have made in your paragraph 23, under Section E? You are suggesting in the second paragraph, part of paragraph 23, that Items Nos. 13 to 18, in List 3 of the subjects, namely, subjects of concurrent jurisdiction, should be all in List A, and Provincial Legislatures should have no power to pass legislation on the subjects mentioned in the list, Nos. 13 to 18. Now in that list, there is a subject called Labour Welfare, I think it is No. 17; do you suggest that the whole subject of labour welfare should be excluded from the jurisdiction of the Provincial Government and Provincial Legislatures?—(Mr. Winterbotham.) If I may say so, we make no suggestion of any kind in this paragraph; we merely draw attention to something which our legal advisers tell us is a highly difficult matter, and we do not presume to make any suggestion at all, because we do not feel that we have got the qualification to do so.

6208. You state at the end of the paragraph: "Uniformity is most desirable and the drawbacks inherent in any concurrent powers can clearly be avoided in this case." You certainly make a suggestion?—(Sir Edward Benthall.) That applies to the regulation of mines, No. 13.

6209. That only applies to mines, does it?—Yes, it certainly applies to mines. It might apply in a lesser degree to the other items.

6210. Now even as regards mines, you take the coal mines in India, which are either in Bihar or in Bengal mostly?—Or in other Provinces.

6211. Not to that extent?—The Central Provinces and Assam.

6212. May I ask you one question as regards mines? Suppose they want to pass legislation about the housing conditions in the coal area in Bihar, whom do you think should pass that legislation?—We say that, as far as possible, uniformity is most desirable. We do not say there should not be any concurrent powers, but I think, as a matter of fact, experience has shown that in the matter of Labour legislation practically all the legislation that has been put through in recent years has been put through by the Central Government.

6213. I am not against the Central Government having powers. I want to know whether you are not against the Provincial Government and the Provincial Legislatures having powers?—No; we desire to do away with as many concurrent powers as possible.

Dr. B. R. Ambedkar.

6214. Sir Edward, I want to ask you, first of all, a question with regard to that part of your statement dealing with Federal Finance. I think (I do not know whether I am putting it correctly) you attach a great deal of importance to what you say there—I think you attach a great deal of importance to uniformity of taxation in India?—Yes.

6215. And on that account, you have made the suggestion that almost all sources of Revenue, as between the Centre and the Provinces, should be segregated at the Centre, and that the Centre should divide? Is that not so?—Do we make that suggestion?

6216. I am summing it up generally, that you want that almost all the principal taxes, at any rate, should be levied by the Centre in order that there may be uniformity of taxation?—We did not go so far as to say that. We desired uniformity, but we did not go so far as to say that all taxes should be levied by the Centre.

6217. How would you otherwise have uniformity of taxation, if there was not one tax levying authority in India as a whole?—Some methods of co-ordination might be devised.

6218. Suppose, for instance, we adopted the principle that a Province was to levy a surcharge on Income Tax for Provincial purposes, that would cut across the principle of uniformity?—Yes; we are totally opposed to that.

6219. Then again, you oppose terminal taxes?—We are opposed to them on principle, and we have suggested that any taxes which are likely to lead to inter-Provincial Customs duties or inter-Provincial barriers, should require Federal approval. That is the purport of our evidence.

6220. That would ultimately mean that there would be segregation of the sources of taxation; either the Province could not levy, or could levy only with the prior approval of the Centre?—There would be a third method of devising some scheme of co-ordination, I think.

6221. I do not know. Have you any method to suggest as to how this co-

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ordination is to be brought about?—I think there are rules laid down at the present moment. Of course, at the present moment we are dealing with a unitary Government which lays down the rules.

6222. We want to look at this thing, surely, from the standpoint of the Provincial Autonomy which we are contemplating, and also of the responsible Government that we are introducing into the Provinces?—Yes.

6223. Now I want to put this: From the standpoint of Provincial Autonomy, it would be very difficult to realise this Autonomy in practice if the Province is not to be free to devise its own method and system of taxation and has to go to the Centre every time?—Not every time, but in the case of these particular taxes which are likely to result in the stoppage of development of Indian commerce. May I just say this, that our intention in bringing forward these points was not to lay down any solutions but to bring the points to the notice of the Joint Select Committee, so that they might consider them.

6224. Then I will put this generally: That you would recognise that in devising any system of finance as between the Centre and the Provinces, it is necessary to recognise that whatever system is adopted, it will not be incompatible with Provincial Autonomy and responsible Government in the Provinces?—Yes. In answer to a previous question, I said there should not be more concurrent powers than are necessary, and we adhere to that. The division of subjects and of taxation should be as clear-cut as possible, but, from the point of view of trade, we desire to point out how these provisions might lead to inter-Provincial Customs barriers.

6225. Now I want to ask you a question about this Reserve Bank, referred to in paragraph 3. You say that the bank ought to be free from political interference?—Yes.

6226. I suppose you will agree that political aid would be necessary for the bank in times of crisis?—It might be.

6227. It might be necessary in a crisis, in order to support the bank, to have the Government declare a moratorium?—Yes, it is customary, I think, in the constitutions of all Reserve Banks to allow some ultimate power of intervention by the Government in case of a financial crisis, and I would not object to that in a Reserve Bank.

6228. You would, therefore, permit, if the Government is to aid the bank in times of crises, either by way of a moratorium or by way of advancing money in order to stabilise its reserves so that it could carry on, that it should have some influence over the bank, and its operations?—The Government, in some form or other, will appoint some of the officers of the bank and some of the Directors, but the Government should not appoint a majority of such Directors.

6229. I want to make this point clear. I make this distinction: Political intervention, interference and influence. What is it that you would allow the Government to have and what is it you would exclude the Government from?—To define that would mean drawing up the constitution of the Reserve Bank.

6230. I will not pursue that. Now, with respect to Directors, what sort of a provision do you contemplate for excluding political influence? Would you say, for instance, that a person who belonged to a political party in India was to be disqualified from being a Director?—No. To begin with, I would have a Shareholders Bank, and the shareholders would nominate the majority of the Directors.

6231. They may be politicians?—Not politicians sitting in the Legislatures.

6232. But they may be very actively supporting the Party fund?—If they were very actively supporting Party politics, they would not carry the financial confidence of the country.

6233. But there will be no disqualification to such persons being appointed?—They would be very foolish if they tried to carry on the two things at once.

6234. Now with respect to your comments on paragraph 122 of the White Paper, in paragraph 5, you make certain suggestions for including certain qualifications in Proposal 122?—Yes.

6235. I just want to read the last four or five lines of that paragraph: "but no law will be deemed to be discriminatory for this purpose on the ground only that it prohibits either absolutely or with exceptions the sale or mortgage of agricultural land in any area to any person not belonging to some class recognised as being a class of persons engaged in, or connected with, agriculture in that area." What I want to point out is this. that unless the words "without distinction of caste, creed or religion," are inserted in this latter portion, it will still be possible to make a discrimination within

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that class based on caste, creed or religion. You can have an agricultural class and within that agricultural class you can make a distinction between caste, creed or religion?—Yes. I should like the lawyers to consider that point.

6236. The reason why I ask you is this, that you make certain suggestions with regard to the improvement of this clause by saying: "If this proposal is to be effective, it will be necessary to include "domicile," "continuity or duration of residence" in British India?—Yes.

6237. You did not say that it should also exclude any distinction based upon caste, creed or religion? That would have to be done if this paragraph is to be effective against any discrimination?—I think the point that we made in connection with the latter half of that paragraph is contained in our paragraph 6 under Section G. We did not want that to apply to prevent Europeans taking up land, planters, and such people.

6238. But, as I say, in order to effect your purpose, if it were necessary, you say that distinction shall not be based upon caste, creed, race or religion?—Yes; it is a matter of legal draftsmanship.

Sir Hubert Carr.

6239. Sir Edward Benthall, I wanted to refer you to paragraph 6, under Section F, where you have a paragraph dealing with Law and Order. You know that a great deal of time has been spent on this subject. Have you seen the Secretary of State's evidence which he gave regarding Law and Order and the working of the C.I.D.?—I had the opportunity of seeing it for a short time yesterday.

6240. Do you think the arrangements set out there would meet the requirements of your community?—I am naturally rather diffident in answering that question, because of the short time I have had to look at the evidence of the Secretary of State, but, with all deference, I do not think that my community would think that the proposals, as I understand them, were quite sufficiently explicit. I think the intention is there, but unless it is made a little more explicit, it might get lost in the process of time. For instance, I have already made the point to-day, and I made it the other day, that we desire that central co-ordinating intelligence service; and it was not quite clear to

me from the evidence given whether that service will be there. Then again, as regards the subversive movements, and the question of whether the subversive movements and the Special Branch of the C.I.D. should be made a Central subject, or not, I admit that that is largely an administrative question on which there is considerable difference of opinion, but my own community, from the evidence which they have, thinks that it would be quite workable to make the Special Branch a Governor-General's subject. But the point upon which I think our community are, perhaps, anxious most of all, was that point regarding the production of Agents' reports.

Sir Hari Singh Gour.

6241. Informers' reports?—Informers' reports. I would particularly draw the attention of the Joint Select Committee to the evidence given by the European Association in this matter, in which they draw attention to the Indian Statutory Commission, Section 190 of Volume II. The Statutory Commission suggested that the Police should be made a Provincial subject: "subject in the case of the C.I.D." (I am quoting the words of the Simon Commission) "to such conditions regarding organisation as the Governor-General-in-Council may determine." With the alteration of the words "Governor-General" for "Governor-General-in-Council," I think that provision might be very valuable in the new Constitution. The Governor-General would then be able to lay down regulations as regards secrecy, and he would naturally provide that in such a case sources of information should not go beyond the Police Department. It struck us that that might be a very valuable provision in view of the difficulty in which we find ourselves. There is one other point I would also like to make clear, that I myself do not think there should be any differentiation between the Provinces.

Sir Hubert Carr.

6242. You realise, Sir Edward, that the Secretary of State has made it quite clear that the Governor-General and the Governors will have the power to create such secretarial staff as they need to assist them in carrying out their special responsibilities and consequently the Intelligence Bureau which you speak of at

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the Centre will probably be covered by his secretarial staff because he is finally responsible for peace and tranquillity?—I must say I had not contemplated that the secretarial staff would be an Intelligence Bureau.

6243. I think at the present moment the Intelligence Bureau is only a section of the Home Department?—Yes.

6244. It is a very small section?—Yes. it is a very small section.

6245. There are only one or two men to deal with it?—Yes.

6246. If the Governor-General has a channel for ascertaining the position in the Provinces and then is able to issue his instructions to the Governor to exercise his special responsibilities in regard to subversive crime, with that channel do you consider your community in Bengal would be satisfied that the terrorist conditions are properly cared for?—So far as the Centre is concerned, yes.

6247. There is one point I wish to ask you about Second Chambers. I want to get this quite clear: Do you look upon Second Chambers in the way of a safeguard with regard to finance in the Provinces?—Yes, I think they will be a very valuable safeguard.

Sir Hubert Carr.] Because it has been suggested that public opinion has a considerable say as to whether Second Chambers should be instituted or not, but I suggest to you that Second Chambers have widely been accepted as excellent ways of protecting minorities.

Sir Abdur Rahim.] Accepted in India?

Sir Hubert Carr.

6248. All over the world. That is rather a wide statement, but in any book of reference I have seen (for instance Marriott on Second Chambers) a Second Chamber is looked upon as a way of protecting minorities. Do you think in that regard public opinion is a safe guide in instituting Second Chambers?—No; I think so far as the Legislatures in the Provinces are concerned they naturally are not enthusiastic, as they are at present constituted as a uni-cameral legislature, and they are naturally not inclined, to favour the institution of another Chamber alongside them, and therefore I would not attach too much weight to the decision of the existing Legislatures.

6249. There is one other point I wish to ask. Paragraph 4 of Section E deals

with the Railway Board, and you say there that you wish the railways to be administered solely in the interests of the general public and not for the benefit of Federal or Provincial revenues. Could you explain "in the interests of the general public" a little further?—We desire that the railways should be administered on business principles and not for the benefit of the revenues of the Federation as a whole. We do not object to the existing contribution. It does not exist at the moment because the railways cannot earn it, but the normal contribution is approximately 5½ crores. We would not object to that being paid to the Federation, but we do not wish that the railways should be used as a source of revenue. That 5½ crores may be set off against the amortization of that part of the Government of India loans which is charged to railways, and therefore that is a fair charge.

6250. But you would continue to make some contribution to the Centre?—Yes, when the railways were able to earn it.

Sir N. N. Sircar.

6251. Sir Edward, in reply to Sir Abdur Rahim you stated that your Chambers of Commerce considered that the export tax on jute was a discriminatory tax and you claimed it, not on the ground of expediency, but on principle. Is not that what you said?—Yes.

6252. Before I come to anything which can have any bearing on the question of principle, can you tell me how the allocation of this source of income to the Centre has actually affected the Province?—It has affected it very seriously. It has turned what we consider should be a surplus Province into a deficit Province. The figures I think are fairly well known and they are given in Sir Walter Layton's Report to the Simon Commission. In Bengal, according to the figures given there, of the total revenue of the Province of 38 crores, no less than 70 per cent. has gone to the Centre, but in the Punjab, I think, only 8 per cent. of the total revenues raised has gone to the Centre; and in the United Provinces something like 20 per cent.

Dr. Shafa' at Ahmad Khan.

6253. What about the Provincial contributions?—I am talking of the total revenues raised in the Province. My point is that, of the total of 100 per cent. of revenues raised both for Provincial and Central purposes, no less than 70 per

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cent. is taken by the Centre, in the Punjab only 8 per cent. is taken by the Centre; and the figure for the United Provinces, I think, is 22 per cent. The result is that the Province has been hopelessly handicapped in this last Constitution, and the Government has been unable to do anything regarding reorganisation of education or other nation-building services, and I may go so far as to say that there is a feeling of general despair in the Province as a result of the Meston Settlement, and it has had its repercussion on other Provinces and possibly on the Reforms generally.

Sir N. N. Sircar.

6254. I will not trouble you about the figures and so on. I can put them before the Committee at our discussions, but, shortly put, is not the position this: Four crores of rupees which represent the jute export duty are taken to the Centre and the result is the deficit of Bengal to the extent of two crores? Is that what you mean by saying that it turns this Province into a deficit Province?—Yes.

6255. And from the figures, without going into details, in respect of natural resources, Bengal is the richest Province?—Yes.

6256. It is only this system of allocation which turns Bengal into a deficit Province?—Yes.

6257. Will you tell me very shortly what effect does this tax have on the land revenue and the ryot?—In the first place, I think it is a direct tax on an agricultural product and it, therefore, has the same incidence as land revenue. It undoubtedly falls on the producer. When it was put on in 1916 it was put on as a War measure and then, with the high prices, it probably fell on the consumer; but to-day it undoubtedly falls on the producer, mainly the Muslim ryot in Eastern Bengal, and its incidence is actually to-day some 18 per cent.

Sir Joseph Nall.

6258. 18 per cent. of what?—18 per cent. of the commodity. On a price of jute of 25 rupees it is Rs. 4 8 annas. I may say that it prevents the Province from opening up the question of the Permanent Settlement, even if it were possible, because it is impossible to tax agriculture any more in view of this heavy tax which is put on the Province.

Sir N. N. Sircar.

6259. Going back to your first statement, will you just indicate on what principle you claim this jute export duty for Bengal?—The Taxation Inquiry laid down the rule that an export tax is only justified if it is a monopoly and at a low rate. Jute is no longer a monopoly, because the purposes for which it is used are now filled by paper, cotton and bulk-handling. It is not low because, as I say, the incidence is 18 per cent., and I do not think that anybody contemplated that it would be that when the tax was put on. We think that the tax ought to be removed altogether and also that it never would have been imposed except as a War measure, and would certainly not be imposed if it were a question of imposing it to-day. On the point which Sir Abdur Rahim raised, we claim that the product comes from certain Provinces only, it is a tax on their agricultural revenue, as I have tried to point out, and that, therefore, it is a tax of a discriminatory nature on certain Provinces only. That is one of our main principles.

Sir Hari Singh Gour.

6260. How is it of a discriminatory nature?—Because it is a tax on certain units of what will be the Federation for the benefit of the whole.

Sir N. N. Sircar.

6261. May I make that point clear: Whatever may have happened hitherto, now, if the different units are going to receive the same financial treatment, what would happen if we intended to have an agricultural Income Tax? Would not Bengal be severely handicapped by reason of this 18 per cent. duty on one of its principal agricultural crops?—Certainly. I tried to make that point.

6262. Be that as it may, have your Chamber any objection to the Centre receiving half of whatever is necessary from this export duty for the purpose of the Central solvency?—You mean, if the Province is given the total income from it, is there any objection to a proportion of it being given back to the Centre?

6263. Just as the proposal is to take the Income Tax for a certain period to the extent of a certain amount—the amount which is necessary for Central solvency? Is there any objection to that

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going to the Centre?—No; we consider that the principle of allotting it to the Province has been conceded after a considerable struggle by everyone in the Province, and if that principle is conceded in its entirety then we are quite willing that a proportion should be given back to help the Centre, but we think that that proportion should be given to the Province before any Income Tax is given to the other Provinces.

6264. You tell us this was introduced as a War measure in 1916. Roughly speaking, about 50 crores of rupees have gone to the Centre as jute export duty?—It must be something about that. I have not the exact figure.

6265. Can you suggest anything which ought to be done before Federation is started to remedy this unfair burden which has lasted for about 20 years?—Yes. One of the claims of the Province, supported by everyone in the Province, is that the deficit due to the Meston Settlement ought to be foregone by the Centre. I think in the last four years it would amount to about seven crores. The interest on that, plus the share of the jute tax, plus retrenchment, might just enable Bengal to balance its budget, but no more.

6266. I have only one more question. Both as regards Bengal and Bombay—industrial Provinces—I presume they are responsible for the major portion of the Income Tax. Is not that so?—Yes. (Mr. Winterbotham.) Yes.

6267. It follows, therefore, that the larger the amount of Income Tax, the larger the block which is taken to the Centre, the greater is the disproportionate burden on these two Provinces, Bengal and Bombay as compared to the others?—It does.

6268. What do you suggest is the proper basis of distribution of Income Tax to remove this disproportion, as much as is possible?—We deal with that in our Memorandum. Sir Edward Benthall has had a wonderful opportunity of putting forward Bengal's particular case and I would like here to take the opportunity of making Bombay's case, the other great industrial Province. There is no solution to Bombay's difficulty, except the making of Income Tax a Provincial revenue, and we have made it plain in our Memorandum that on that question we think that the proposals in the White Paper are reasonable. But we also emphasise the fact that the greater amount

of Income Tax retained by the Federal Centre, the greater the hardship on the industrial Provinces, and the more the industrial Provinces will be contributing to the finances of the Centre. It is indisputable that Bombay has suffered just as much as Bengal from the inequity of Income Tax being a wholly Central revenue, and we do most strongly press that as soon as ever is practicable the proposals arrived at at the Third Round Table Conference in connection with the distribution of Income Tax to the Provinces should be put into effect, and we desire to stress the point—this is particularly a Bombay point—that the percentage of Income Tax transferred to the Provinces should be uniform for all Provinces. (Sir Edward Benthall.) It is also a Bengal point. (Mr. Winterbotham.) I should like to make it plain that Bombay and Bengal are not in opposition, but they each have their particular point to stress, and we have been given the opportunity of doing it.

Mr. Morgan Jones.

6269. May I ask Sir Edward whether he would agree with me that if the future budget is to be balanced in India there must be economies on two main points, apart from additional revenue that may be brought in: (1) Substantial reduction in Army expenditure; and (2) a more rapid Indianisation of the Civil Service so as to reduce the expenditure on that score?—(Sir Edward Benthall.) I have already stated my opinion on the Army. The second would help, but we do not advocate any more rapid Indianisation than the Lee Commission recommend. I would add, also, that I think myself that economy might be effected in the Posts and Telegraphs, which has a deficit of 61 lakhs and which, being a commercial Department, ought to be made to balance.

Lord Snell.

6270. One question, my Lord Chairman. Sir Edward, I assume that your Memorandum is designedly restricted to the effect of the proposed reforms on existing commercial practice, and that you have chosen not to go into the effect that these reforms might have on commercial development and the comfort of increased purchasing power of the working classes?—Yes. Our Memorandum is limited.

6271. But you are aware, are you not, that increased prosperity of the masses

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of India might have a very beneficent effect on problems such as Law and Order?—Most certainly, yes.

Mr. Cocks.

6272. Sir Edward, you say, under "Financial Safeguards," that the establishment of and successful operation of a Reserve Bank is an essential prerequisite to Federation, do you not?—Yes.

6273. Have you any idea as to how long it would take to establish such a bank?—That is under discussion at the present moment in another Committee on which I sit. I think it is very diffi-

cult to say how long it would take, but I, personally, am optimistic that if conditions improve at all, it will not take a very long time; I cannot put a term of months or years to it.

6274. You are aware that the Committee on Financial Safeguards at the Third Round Table Conference said that: "In the existing state of financial and economical crises throughout the world, it is impossible at this moment to predict a definite date by which the Reserve Bank will have been launched"?—Yes, but there has been a considerable improvement in Indian finances even since that date.

(After a short adjournment.)

Mr. Cocks.

6275. Sir Edward, before the interval you said in reply to a question that you could not say in terms of months or years when you thought the Reserve Bank could be established. Do you think it might take as long as five years to establish such a Bank?—I should not think so, if conditions improve.

6276. You not only postulate the necessity of the establishment of such a Bank, but you say that the successful operation of such a Bank has to be taken into consideration when the Bank has been established. What period, in your opinion, would have to elapse before you were satisfied that it was operating successfully?—Again, I could not put any period to it; but, obviously, it would be no use setting up a machine which had not time to get into working order.

6277. But a certain period would have to elapse?—Yes, a short period; no long period.

6278. What do you mean by a short period; a year or so?—Months. May I qualify that? It would depend upon the conditions at the time, but I should hope that it would be months if finances were improving.

6279. Supposing all this took five years, would you be prepared to postpone federation till then?—I do not see why it should take five years.

6280. But, if it did, anyhow federation would have to be postponed until then?—Yes.

6281. You also say that federation must wait until Indian finances improve. That means, does it not, until world conditions improve?—Yes. We do not think it would be fair to ask Indian

Ministers to take over in the present difficult state of finances.

6282. This is rather a complicated question. If you will listen to it I think it will be clear to you. Suppose there occur temporary improvements in financial conditions and, in view of that, the Bank is established; then, after that, there comes a slump: How would India, in those circumstances, be in a better position than she would be in if the Constitution was set up before the temporary boom took place? Is that clear?—It is clear; but I cannot very easily give an answer to a question like that, dipping into the future. All one can do is to give the Constitution a send off in the best possible conditions, and face the future as it turns up.

6283. Suppose that conditions do not improve at all, but grow steadily worse; does that mean that self-government for India will have to be postponed indefinitely?—I have given the opinion that it would not be fair to ask Indian Ministers to take over with all the handicaps which they will be under anyhow, including, in Bengal, the continuance of such conditions of grave discontent. It would not be fair to ask them to take over under those conditions.

6284. Do you think that federation would entail much additional expense?—Yes.

6285. Have you read the speech that the Secretary of State made in the House of Commons on 22nd February which is printed in No. 1 of our Records?—I think I read it at the time, but I cannot remember the details of it.

6286. If you will allow me, I will just quote one paragraph. He said: "My own view, which is supported by many

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of my expert advisers, is that the Federal Government would not cost substantially more than the existing Central Government, and that the problem of adjusting finances between the centre and the Provinces is much the same whether Federation is set up, whether Provincial autonomy is started, or whether we keep the centre as it is now"?—I do not entirely agree with that, because in Section 2 of our Memorandum we point out, for instance, that the jute export tax will be taken away from the Centre. Again, the cost of setting up the Reserve Bank is set at a figure between one crore and one and three-quarter crores. That money under both those items will, under the new Constitution, be taken away from the Federal Centre, and that money will have to be replaced if the budget at the Centre is to be balanced.

Sir Austen Chamberlain.

6287. May I interpose a question? Sir Edward, suppose there were no constitutional changes in prospect, would you not still think that it was very important to establish a Central Bank?—Most certainly. It was thought so in 1926, 1927 and 1928, when attempts were made to set one up.

6288. Then why do you debit that to the cost of the new constitution, since it ought to take place whether there is a new constitution or not?—The whole thing is a practical financial problem. This money has to be found somehow.

6289. Whether there is a new constitution or not?—Yes, in the case of the Reserve Bank.

Lord Eustace Percy.

6290. And should be so in the case of the jute export duty?—We have always claimed so.

Mr. Cocks.

6291. You say it is imperative that a Second Chamber should be set up in every Province. At the present moment the Provincial Legislature consists of one Chamber only in each Province?—Yes.

6292. And you know that Sub-Committee No. 2 of the First Round Table Conference, the Committee on Provincial Constitution, said, on Page 43 of the Report, "but the decision to incorporate a second chamber in the new constitution of any Province other than Bengal, the United Provinces and Bihar and Orissa where opinion in favour of a second

chamber has already been expressed should not be taken until opinion in the Province definitely favours this course." Would you set up a second chamber where the opinion of a Province was against it?—Yes, I would, for the reasons given in a previous answer: that I would attach importance, but not too much importance to the opinion of an existing Legislature which, naturally, would not want another Legislature set up alongside it.

6293. Do you not agree that the wealthy and more stable classes, if I may use that term, will be very strongly represented in a single chamber?—No; I disagree, in some Provinces.

6294. You are aware, of course, that the Governor has exceptional powers to check legislation, under the White Paper?—That is one of the principal reasons why we suggest a second chamber. It will interpose a body between the Lower House and the Governor, and will avoid the necessity of the Governor having to intervene on frequent occasions.

6295. May I just put this to you? You know that under Proposal 70 the Governor has special responsibilities in respect of many important subjects?—Yes.

6296. That under Proposal 88 he has the power to remit a Bill back to the Chamber for amendments and has also power to suggest amendments; to reserve a Bill for the consideration of the Governor-General, or even to withhold his assent to the Bill altogether; that under Proposal 94 he can direct that Bills which affect his special responsibility shall not be proceeded with; that under Proposals 103 and 104 he can, in certain circumstances, promulgate special ordinances; and, finally, in the event of a breakdown he can take over the whole Government. Do you not think that the Governor, with all those powers, is a second chamber in himself?—No. I still think that the provision of a second chamber will be a very useful check on the Lower House and will avoid the necessity of the Governor using those powers. It is undesirable that he should use them if the people of the country themselves will use them.

6297. If you had a second chamber, would you agree to reduce those powers of the Governor?—No. I would only reduce the chances of the necessity of their use.

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6298. You really want a second revising authority besides that of the Governor?—No.

6299. A third chamber?—No; I want a first check by the people of the country.

Mr. Winterbotham.] May I develop one particular point in connection with second chambers? I am aware that the subject has been very fully discussed, but I speak now particularly for Bombay. We feel and we hope that under this provincial autonomy we shall get a strong and stable government, and we look forward to that. The reason we are insistent upon second chambers is that we want the government under provincial autonomy to function successfully; and we believe that one of the tests of the new constitution will be whether you get the best men to come forward and to work it. Our opinion in Bombay, held very strongly by my community, is that, without a second chamber, some of our best men, some of our men most experienced in administration, will actually be kept out of the new government. Our insistence on second chambers is not reactionary or with a view to providing additional safeguards, but it is stressed because we very strongly feel that, with the addition of second chambers, the provincial governments under provincial autonomy will have a much better chance of functioning successfully.

6300. Considering all those safeguards and the additional one under Proposal 90, by which an Act to which the Governor has given his assent can afterwards be disallowed by His Majesty in Council, do you not think that with all this barbed wire entanglement of checks and securities progress will be sufficiently slow, without the introduction of another revising chamber?—(Sir Edward Benthall.) No. I do not think so. I think it is much more desirable to have a second chamber than to have the Governor affording that safeguard.

6301. Of course, you realise fully that there is a great danger in stoking up the fire, screwing down the safety valve and putting on all the brakes?—I do not consider the White Paper is doing that, nor do I think that our proposal is doing that.

6302. You further wish the second chamber to deal with Money Bills?—Yes. May I add that somebody asked me the other day whether I could quote any precedents. I had not them at my

fingers' ends then; but there is the precedent of Switzerland, where the second chamber has absolutely equal powers; France, where the second chamber has the power of rejection of Money Bills, and has exercised the power of amendment; and the United States, where the second chamber has the power both of rejection and amendment of Money Bills.

6303. But you are aware that in this country the Lower House is very jealous of its constitutional rights and sole control over the public purse?—Yes; but we are discussing India.

Mr. Cocks.] And that it is one of the glories of the British Constitution.

Lord Hutchison of Montrose.

6304. Just to continue on the question of the second chamber, do you not think that if you had a second chamber it would lead to continual squabbles between the two Houses in a Province?—I do not think so; and there is the solvent of the Joint Session. I think it would be better that there should be a difference of opinion between the two Chambers than that there should be a difference of opinion between one Chamber and the Governor.

6305. That is at variance with what the Simon Commission reported?—It may be; but it is our opinion.

6306. On page 99 of the Second Volume they say: "They fear that such Chambers would be regarded as an undemocratic instrument of Government and that ceaseless conflict between the two Houses would result"?—That is not our opinion.

6307. I take it, that if you did have a Second Chamber, it would be a very small one?—Yes.

6308. About what size?—Approximately the size of that suggested in the White Paper, 65 in Bengal against a Lower House of 250 or 200.

6309. You would not go down as low as 30?—I would, if the Lower House were reduced to, say, 100 or 150.

6310. Would you turn to your Memorandum on another subject, under Section E, paragraph 11, where you say: "The Chambers consider that provision should be made to deal with the possibility of Provinces adopting measures to develop local industries at the expense of similar industries in other Provinces." I presume that other Provinces would also include Indian States who federate?—The same principle would apply.

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6311. Do you think it is possible to control the competition for facilities for new industries to be started in either the Provinces or in the States?—I think it would be very difficult, but we are pointing out the danger here of economic provincialism.

6312. Would it not be specially difficult, in dealing with States, to have special port facilities?—Very difficult.

6313. How do you suggest that you could overcome that competition—I mean, if certain States who federated had port facilities which belonged to themselves and not to India as a whole?—I understand that the whole of that question will be covered by negotiation in the Treaties of Accession.

6314. Would you recommend that those small number of States who had port facilities should be negotiated with to hand over to all India on Federation those certain ports?—I understand that that is the practical position.

6315. One last question. In that same section, you talk about the necessity of having Federal control over royalties on minerals, especially as regards the various rights in Crown Lands. Would you also continue that in States who federate?—They would not be Crown Lands.

Chairman.] Lord Hutchison, a moment or two ago you put a question to the Witness which dealt with some observations in the Simon Report, Volume II, page 99, paragraph 116, I think, in which the words are: "They fear that such Chambers would be regarded as an undemocratic instrument of Government and that ceaseless conflict between the two Houses would result." I think that paragraph is headed: "The Negative Recommendation of the Remainder." I just wish to make that clear.

Lord Hutchison of Montrose.] Yes.

Viscount Burnham.

6316. Sir Edward, I wish to put to you one or two questions, if it is agreeable to you, on a subject which has been rather scant, so far, before this Committee, that is to say, the employment and prospects of the Anglo-Indian and domiciled European communities in India under the new conditions. I say, if it is agreeable to you, because it is not contained in your Memorandum, and, therefore, if you do not wish to deal with it, I will not proceed?—Yes. Sir Henry Gidney put some questions to me which I answered. I understood him to ask me whether I agreed that there was any discrimina-

tion against the Anglo-Indian community?

6317. Yes?—I may have misled the Committee, if I gave them to think that the Anglo-Indian community had not suffered severely, due to economic circumstances and Indianisation. They have suffered very severely, and their position at the moment is extremely bad indeed, and I think that some protection should be given to them in the new Constitution, and that any practical protection should be given because they have rendered great services to the country, and they deserve all the protection that can be given to them.

6318. In this connection, might I refer you to what the Statutory Commission said? I am quoting from Volume I, Chapter 5, paragraph 62. In dealing with the point of discrimination they said: "The real cause is to be found in the working out of the policy of increasing Indianisation of the Services. Even though Anglo-Indians may be included in schemes of Indianisation" (that is to say, as a statutory Indian) "the pressure from more powerful and numerous Indian communities is such that there is an increasing danger of Anglo-Indians being squeezed out"?—Yes, I would agree with that.

6319. And again, in Volume II, Part 9, paragraph 340, the Statutory Commission says: "We suggest, therefore, that some special consideration should be shown to the community in recruiting for the Central Services with which it has a traditional connection." You would endorse that, would you?—Yes, I would agree with that.

6320. The point was felt so strongly that when the Round Table Conference was sitting, in the First Report, which is that of the Committee presided over by Sir William Jowitt, on the Services, on page 68, sub-section (4), it said: "The sub-committee recognise the special position of the Anglo-Indian community in respect of public employment and recommend that special consideration should be given to their claims if employed in the Services"?—I entirely endorse that.

6321. And you would admit our special responsibility in the matter, because I have in my hand the Despatch from the Government of India on the Report of the Statutory Commission, in which, on page 169, at the bottom of the page, it is laid down: "The Anglo-Indian community has in the past rendered very important services to the railways, and still

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holds a large number of posts in particular branches of railway work." Then they say at the end of the paragraph: "In view of the history of the community, a special obligation, we think, rests upon Parliament before relaxing its own control, to ensure as far as possible that they should include the subjects specified in paragraph 192 above." You would endorse that, too?—Certainly; I should consider it to be the duty of Parliament.

6322. So that really constitutes the fate of the Anglo-Indian community as a special remit to this body from the Government of India. I mean, they have asked us specially to consider it?—Yes.

6323. As everybody knows, it is a very difficult subject to deal with. I should like the benefit of your advice as to how you think their future employment mainly in public Services (I am thinking, of course, not only of the Railways, but of the Telegraph and of the Auxiliary Services, the Police and Customs as well) could best be effected, because at the present moment they are being ground under the heel of the majority?—I am not prepared at the moment to give any specific recommendations, but, if I might be permitted, we should be glad to submit a Memorandum at a later date.

6324. Personally, my Lord Chairman, I should be very glad to have it. It seems to me that we want all the information and advice that we can have because to my mind this Anglo-Indian community is the greatest debt we owe to India?—It is one of the most difficult problems of all.

6325. And also, as you say, one of the most difficult problems to deal with. The reservation of a certain proportion of places in these branches of the Public Service is possible, but it is not likely to be very well received by the Legislative Assembly, is it?—There is a difficulty there.

Chairman.

6326. We are to understand that you will hand that Memorandum in at your convenience?—Yes, thank you.

Mr. R. A. Butler.

6326A. Could you elaborate the point that you make about the allocation of seats between the Provinces in the Federal Council of State? Have you any proposal?—We have not any concrete proposal, but the point was made by the Bengal Chamber in particular.

The other Chambers, with the exception of Bombay, did not take any exception to our making the point; but it does not seem to us right that in a Federation of this sort Provinces with a population of over 50,000,000 and contributing, say, some 16 crores to Federal resources, should have the same representation at the Centre as a Province with half the population or contributing perhaps half or less than half of the amount towards Federal revenue.

6327. You have no actual scheme worked out, have you?—No, we did not think it was incumbent upon us to do more than to point out the extraordinary inequality of the proposal.

6328. In your reference to the Secretary of State's evidence you dealt with the question of his replies upon Law and Order. Would you accept as a modification of your views that the Secretary of State has not yet concluded his evidence, particularly in the Federal sphere?—Most certainly. When I began making my remarks I said I did so with great deference and diffidence because I have not had come to see all that he has said.

6329. It is more a question that he has not had a chance of concluding his evidence. You will prefer, no doubt, to give your final opinion when he has concluded his evidence?—Yes. I have every confidence that my community will be satisfied in the end. My caveat is only so far as I have read the evidence at present.

Lord Irwin.

6330. Pursuing that point for one moment, in your reply this morning to Sir Hubert Carr I think you drew the attention of the Committee to some words on page 157 of Volume II of the Simon Report which you quoted, the words being, "subject in the case of the C.I.D. to such conditions regarding organisation as the Governor-General in Council may determine"?—Yes.

6331. Leaving aside for the moment the point of whether any special provision, if such be thought necessary, should apply to the C.I.D. as a whole or the Special Branch in any Province dealing with terrorist organisations, would you have any particular feelings as between the Governor-General operating that reserved subject or the Governor. If I may make what I want out of you quite plain, it is this: Am I right in understanding that your view, which you put this morning, was that you thought

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it important that there should be some Police advice for the Governor-General—I am not using technical language? Provided you had that, would you feel equally reassured if, on the assumption that the Special Branch, let us say, was thought well to be reserved to somebody other than popular control, that reservation lay in the hand of the Governor as much as in the hand of the Governor-General?—I think my community would prefer to see it in the hands of the Governor-General at his own discretion, rather than in the hands of the Governor. One of the reasons is that subversive crime is not likely to be confined to one Province entirely.

6332. I quite appreciate that, of course, but it would be possible under either plan for the Governor-General to have his general hold on it, I suppose, and to communicate with such Provinces as those in which crime might show itself?—Yes. I think we should think it preferable that the Governor-General should lay down rules regarding the C.I.D.

Sir Austen Chamberlain.

6333. Assuming that the power is reserved to the Governor-General as you would desire, I assume that you contemplate that the Governor-General would act through the Governors?—Certainly.

6334. He could not act directly himself over the whole of India?—No, certainly not.

Lord Irwin.

6335. One point on paragraph 11 under the heading of: "E—Division of Legislative Subjects," in your Memorandum, about provision being made to avoid unduly different treatment in particular Provinces, or, as you answered Lord Hutchison, States encouraging industries at the expense of others. I understand you have no particular proposals to make on that head. You wish to draw the attention of the Committee to it?—Yes.

6336. Would you feel, in view of the kind of difficulties that have emerged in this morning's examination of that problem, that it was probably not going to be very easy to do much more than look to having those things settled by conference and interprovincial arrangements, and the like?—It would be possible to deal with it either in that manner or under the heading of List I, Item 26, which deals with the develop-

ment of industries in cases where such development is declared by or under a Federal law to be expedient in the public interest. In the case of large industries, I take it, it would be in the public interest to declare that they were of Federal interest and therefore should be legislated for federally.

6337. And it would become a Federal subject in that case?—Yes.

6338. But where that was not so, would you feel probably that the only alternative was the method of interprovincial conference and so on?—I think so, yes.

6339. You were asked some questions this morning about the formula appearing on page 49 of the First Round Table Conference Report dealing with commercial discrimination in which the idea of convention was ventilated. You said I think in reply to Sir Purshotamdas that your community were quite favourable to the idea of convention, but that practical difficulties had emerged to making the immediate adoption of it possible?—That was so. We put up the idea originally but the practical difficulties that arose were principally the fact that the Indian Delegates considered that such a convention should be negotiated after the new Constitution came into being. That, of course, was not satisfactory to us. We required the protection in the Act itself.

6340. Otherwise, if it were left to a convention after the Act was passed you would be uncertain whether you would ever get it?—Yes; we imagined that this Convention would have been negotiated and attached as a Schedule to the Act and would have had much the same effect as the clauses that are proposed.

6341. Only one other point. In paragraph 16 of your Memorandum under the heading of: "G—Commercial Discrimination," where you talk about the possibility of the Governor-General or the Governor directing an inquiry into matters of commercial discrimination and, indeed, other discrimination—you do not limit it to commercial discrimination—you would, I suppose, have in mind there questions of administrative discrimination that were not capable of being tested directly in the Courts?—That is so.

6342. Would I be right in thinking that the kind of purpose you would have in view would be a case where the person affected might think there had been cumulative evidence of a tendency to

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discriminate administratively and that you would wish to have some machinery by which all those facts could be brought into the public view, partly in order to enable the Governor and the Governor-General to reach a wise use of their discretion, and partly to get public opinion mobilised against what you would consider improper action?—That is precisely what we had in mind.

Sir *Manubhai N. Mehta.*

6343. May I put one point as regards the position urged by Sir Edward Benthall regarding interprovincial arrangements about industries, including States? In reply to a question put by my Lord Hutchison, Sir Edward Benthall said that if there were any restrictions placed upon one Province to prevent its developing any industry which would compete with the industry in another Province, that should also apply to States, may I ask Sir Edward if he is aware that up to now the States have suffered on account of this very restriction placed upon States, and that if the States, by coming into Federation, would obtain a position of equality, then, whether he still would insist that the same preventions should apply to States? For instance, I give you some examples. In some States several mines have been prevented from being developed because they competed with existing industries in British India. Do you still want the same prohibition or prevention to continue?—No; I am surprised at the information.

6344. So you will not come in the way of the States developing their industries?—No, certainly not.

Sir *Austen Chamberlain.*

6345. Sir Edward, in relation to the question of Second Chambers, in the matter of their Constitution, if such were to be established, which do you regard as the more important: that they should represent vested interests or acquired experience that might not otherwise be available?—The experience.

6346. I asked you the question because a good many questions were put to you apparently on the basis that the Second Chambers principal use would be to represent vested interests?—No.

6347. I rather thought that what you wanted was experience, and the wisdom which comes from experience. Am I right?—That is what we hope for.

6348. In regard to the Central Bank, in asking that they should be free from political influence you are only asking that a condition of the White Paper shall be preserved?—Yes.

6349. No additional security you ask?—No.

6350. But you lay stress on that security being obtained?—At one time we had contemplated putting very full views on this question, but we thought it was unnecessary, in view of the fact that it was being examined by a special Committee, so we just put a short paragraph to endorse the White Paper.

6351. Should I be right in saying, broadly, without going into any details, which must be settled by the authority of which you speak or prepared by them, that you only desire that the Central Bank of India should have the qualities and character which it has been the effort of the League of Nations, for instance, through their Financial committee, to secure for the Central Banks which they have made a condition of certain League loans?—Yes.

6352. And, indeed, you are not asking for any exception, but that the general rules applicable to Central Banks should apply to the Central Bank of India?—Yes, and I think that is generally accepted in India.

Lord *Eustace Percy.*

6353. In paragraph 7 of Part C. "Federal Finance" you say that the best way of distributing income tax would be on the basis of the origin of the income. Can you tell me what you intended by the word "origin"?—Yes. Take, if we may, a practical example, that of Bengal. Bengal earns in a normal year about 6 crores of income tax. A good deal of that 6 crores is earned either in the coal mines of Bihar, or the tea gardens of Assam. I appreciate it is difficult, but I would endeavour to give Assam and Bihar an allotment of income tax roughly comparable with the amount which they earn.

6354. You regard that as practicable, do you?—I admit it would be very difficult, but I do not think it would be beyond the resources of a Government Inquiry of experts to make a fair allocation.

6355. I will not pursue the question argumentatively, but may I ask you this further question: Does that mean that a British Indian shareholder in a mine

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situated in an Indian State would pay no Income Tax at all?—That is a complication which I had not taken into account. (Mr. *Winterbotham*.) On that particular question it is not a question of paying Income Tax. It is only a question of the allocation of the Income Tax paid. It would obviously go to the Centre in that case.

6356. There is only one other question I should like to ask on this point of Income Tax, and that is this: Do you attach very great importance to corporation tax being levied in the States as well as in British India?—(Sir *Edward Benthall*.) We are opposed to a corporation tax in principle. We think it is a wrong tax, but if it is to be levied in the Provinces we think it should be levied in the States.

Lord *Rankeillour*.

6357. About the statutory Railway Board, you wish it to be free from Government as far as possible, but do not the Indian Government guarantee some of the prior charges of the railway at present?—Yes, I think so.

6358. It would be a complication. They would want some sort of hold on the Board therefore, would they not?—Yes, and we would hope that the Government and the Governor-General in his own discretion, would both appoint members to that statutory authority.

6359. Only one other thing with regard to that Board, and what you have just said about preparing a Memorandum about the position of the Anglo-Indians. Might I ask you whether you might not consider in that connection that some instruction might be given to the statutory Railway Board to have regard to the Anglo-Indian position?—Yes.

Mr. A. H. *Ghuznavi*.

6360. Sir Edward, in the Police Service in Bengal there are three Departments. The first is the ordinary police, the second is the C.I.D., the third is the Intelligence Branch which deals solely with terrorist crimes?—Yes; they all come under the Inspector-General at the present moment.

6361. But there are three Departments entirely separate?—Yes.

6362. The Intelligence Branch is absolutely separate from the C.I.D. and from the ordinary Police?—I would not say absolutely separate; but I think they could be separated.

6363. They are separated now?—Yes; they work in separate offices; but how far their sources of information are the same I do not know.

6364. I am speaking of Bengal only?—Yes.

6365. Then the information which the Intelligence Branch gives is under the present system kept in complete secrecy?—Yes.

6366. But the information which the C.I.D. gives is not kept in complete secrecy, but it is available to the Governors, Members, Minister and Heads of the Police Department?—I understood that those sources of information were also kept secret.

6367. They are available to the Governors, Ministers and Heads of the Police Department; but as regards the Intelligence Branch, that is kept absolutely secret?—That is the important item.

6368. Sir Edward, the jute goods which are exported are manufactured solely in Bengal?—Yes; except for one or two very minor factories elsewhere.

6369. Where?—A small one in Cawnpore, and another one in Madras.

6370. There is no jute mill in Assam?—No.

6371. I put this to you, Sir Edward: that jute is Bengal's speciality, developed in the past by Bengalee brains and Bengalee labour?—Yes; but I would not exclude the Englishman and the Scotsman.

6372. I say that jute cannot be placed in the same category as other agricultural products or minerals which grow and are found all over the world?—I quite agree with you.

6373. Is it not a fact that the petrol which is found in Assam is also found in other parts of India, Burma and the Punjab?—Petrol is found throughout the world.

Chairman.

6374. Do you wish to conclude by making any further statement, Sir Edward?—No; I think not, thank you.

Chairman.] Thank you very much, gentlemen.

(*The Witnesses are directed to withdraw.*)

Ordered, That the Committee be adjourned to to-morrow, at half-past Ten o'clock.

APPENDIX A.

MEMORANDUM SUBMITTED ON BEHALF OF THE INDIAN CIVIL SERVICE ASSOCIATION, IN REGARD TO THE PROPOSED DISCONTINUANCE OF THE RESERVATION IN SECTION 101 (4) OF THE GOVERNMENT OF INDIA ACT THAT ONE-THIRD OF THE JUDGES IN EACH HIGH COURT MUST BE MEMBERS OF THE INDIAN CIVIL SERVICE. (PROPOSAL 170.)

[See Questions 197-200.]

1. This question was not specifically referred to in the General Representation of the Association (Minutes of Evidence, Pt. I., pp. 2-8) in the absence of instructions from the Association regarding it. It was, however, the subject of questions put by Sir Tej Bahadur Sapru on the 2nd June (Minutes, Pt. II., p. 32, Questions 197-200), to which in the circumstances exact replies could not be given. The particular point raised was whether, in the event of (say) only one Civilian Judge being appointed to a High Court, in which under the existing law three such Judgeships are reserved, would the Civil Service claim compensation for loss of two appointments on the Bench?

2. We have now received instructions that enable us to answer this question. Our Association understands that the proposal on this point is put forward with the object of giving a greater freedom of selection in making High Court appointments than is afforded by the reservations in the existing law and that it does not, in itself, imply any idea of discriminating either in favour of, or against, any of the three classes* specified in section 101 (3) of the Government of India Act: also that the intention is that appointments should be made by the Crown, after taking the advice of the Governor and Governor-General, instead of that of the Minister in charge of the Judicial Department concerned (see the replies of Sir Samuel Hoare to Questions 7913, 7961, 7980, 7983 and 7984 at pp. 914, 919, 921 and 922 of the Minutes of Evidence taken on 25th July, Pt. 22). On this hypothesis, and subject to the remarks in paragraph 5 below, the Association feels that it cannot rightly object to the proposal, but it fears that in practice the abolition of the reservation will, in course of time, result in fewer Civilian Judges being appointed, and possibly in the entire disappearance of such Judges from the High Courts. It is anxious, therefore, for the Joint Committee to consider the propriety of indicating its opinion that, in making appointments to the High Courts, the Crown should endeavour to maintain, substantially, the composition of the three elements that has contributed to their efficiency and successful working during the past 72 years.

3. This request involves two propositions, (a) that there are reasonable grounds for the fear expressed above, and (b) that it is in the public interest that the appointment of Civilian Judges should continue. As to (a), it seems sufficient to mention the agitation that has of recent years been carried on by Indian Advocates and advanced Nationalists against their being qualified for appointment in a High Court. It is evidenced by the arguments of Sir Tej Bahadur Sapru that a strong indigenous Bar has sprung up in every part of India, which makes it

* Strictly speaking there are four, but the fourth category (promoted Sub-Judges) is rarely resorted to.

unnecessary to resort to I.C.S. men and Barristers from England (*cf.* his Questions 7972, 7973 and 7977-79 at pp. 920, 921 of the Minutes of 25th July). This feeling will almost certainly be shared by Indian Ministers, and a Governor in making his recommendations is not unlikely to consult and be influenced by his Minister of Justice, though he is not required to take or accept his advice. The tendency will be to regard the appointment of Civilian Judges as being opposed to Indian sentiment on the subject, with the result that, though a member of the Indian Civil Service may be admirably fitted for selection and though he may be an Indian, he will probably be passed over in favour of a qualified candidate from the local Bar. We may mention that the number of Indians in the Judicial department of the Indian Civil Service is approximating, and before many years is likely to exceed, the number of corresponding British officers, so that there is no racial question involved.

As to (b), we have already given reasons for holding that the proposal does not involve any discrimination against Civilian Judges, any more than against Barrister Judges, for whom an equal proportion of Judgeships is reserved under the existing law. We submit that the cogent reasons that led to the inclusion of Civilian Judges in the constitution of a High Court under the Act of 1861 still exist. The advantage gained by having among the Judges men who have had practical and administrative experience in working first as Magistrates and then as Judges of the higher Courts in the Mofussil is one in the public interest. It can also be safely stated that the Judges recruited from the Service have, in general, been in no way inferior in capacity to the Judges otherwise recruited, and have contributed a knowledge and experience of the districts and the people in them that is denied to most of the other Judges and is essential for the proper administration of justice. It is believed that several Chief Judges supported their retention as contributing to the efficiency of their High Courts in evidence before the Simon Commission; and, as pointed out by Sir Louis Stuart in answer to Question 3682 at p. 437 of the Minutes of Evidence, the existing constitution of the Court, by embodying the Barrister Judge, the Advocate Judge and the Civilian Judge, makes "a very good triangle, working together." We would also refer to the answer of Sir Malcolm Hailey to Question 7981 at p. 921 of the Minutes of Evidence as to the utility of Civilian Judges and the very high standard of legal attainments that many of them have shown. If the High Courts are to retain their administrative control of the subordinate judiciary, as proposed by Sir Samuel Hoare in his statement at p. 912, col. 2, of the Minutes of 25th July, there is equal ground for continuing the advantage that the High Courts obtain (as Sir Malcolm Hailey points out) from having among them Judges who have had special administrative experience of the type required for this purpose.

4. We hope, therefore, that the Joint Committee will do what it can towards preserving a system that has worked successfully in the past, and that at the same time affords ample scope for appointments from the local Bar, which similarly contributes to the efficiency of a High Court. This will accord with the statement of Sir Samuel Hoare that the continuance of the three sources of supply is contemplated, and that there is no reason why in practice the proportions should not remain (see his replies to Questions 7913 and 7961 at pp. 914 and 919 of the Minutes of 25th July). Apart from some effectual step of this kind, our Association fears that the Service is practically certain to be prejudiced by the discontinuance of a legal reservation that has been one of the main attractions in its Judicial department. Under the existing system of Government, the abolition of the reservation would not have involved

the same fear. Until the publication of the White Paper entrants to the Judicial branch have had, therefore, no reason to suppose that their prospects of eventual promotion to a High Court, which have existed since 1861, would be curtailed or abrogated in this manner. The proposal, in the circumstances, is likely to "result in a loss of selection posts so considerable as seriously to prejudice the reasonable prospects of the service(s)" of the kind mentioned in Lord Peel's despatch of 26th April, 1923, so as to be analogous to that of an abolition of higher appointments dealt with in paragraph 2 of the Representation already submitted. On this basis the Association submits that, if the number of Civilian Judges of a High Court falls below the one-third proportion, additional selection grade posts should be created for District Judges on the existing scale of salaries allowed for such posts: this provision to have effect for the period covering the service of Civilian confirmed in the Judicial branch before the commencement of the Constitution Act.

5. In view, however, of the fact that it is contemplated in proposal 189 to hold a statutory enquiry into the question of the recruitment of the Indian Civil and other Services at the expiration of five years from the commencement of the Constitution Act, it is suggested that the existing reservations in section 101 (4) of the Government Act may be allowed to continue, pending a decision on the results of that enquiry, since that decision will almost certainly affect the question under discussion.

6. The Association further asks that the omission to show this reservation in Appendix VII of the White Paper should be corrected, i.e., that it may be included in any list or summary of existing service rights at the date of the introduction of the constitution that may be embodied in the Constitution Act. It is an important statutory right that cannot be altered without the sanction of Parliament. The reservation of certain posts by section 98 of the Government of India Act is entered as item 9 (i) in Appendix VII, and we submit there is even a stronger case for including the Service right specified in section 101 (4) in the list, and in the scope of proposal 182.

(Signed) JOHN KERR.

CHARLES FAWCETT.

29th September, 1933.

APPENDIX B.

MEMORANDUM ON THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY SUBMITTED BY THE ASSOCIATED CHAMBERS OF COMMERCE OF INDIA.

[See Question 6323.]

1. The changes involved in the reforms, both past and future, affect Anglo-Indians and Domiciled Europeans probably to a greater extent than any other community in India. The results already apparent have been most prejudicial, and if allowed to continue unchecked, will inevitably prove disastrous to the economic life of the community, and the British in India are emphatically of the opinion that as regards this community, the British Nation has a special responsibility.

Indianisation of the services has operated to the marked detriment of the Anglo-Indians and Domiciled Europeans, while the struggles between Hindus and Moslems for economic livelihood have occupied so prominent a place that Government has been apt to overlook the claims of the community.

The community is peculiar in that it has no local provincial nationality in India. It is essentially an All-India community and has always been prepared to serve and has served in every part of India and Burma. For these reasons it has a special claim on those branches of government which have an All-India character and which are called the Central Departments.

There is, however, another aspect which must not be overlooked.

There are many functions of government for the discharge of which a good knowledge of English is required, such as Customs, Posts, Telegraphs, Railways, Ports, Secretariats—in fact all those activities which are international in character or which are spread over the whole of India and for the execution of which a *lingua franca* is required. In some departments in the Lower and Subordinate Grades the personnel was in the past almost exclusively Anglo-Indian.

Modification of these conditions is to some extent inevitable, as Indians educated to the required standard become available; but equally, as the European personnel is replaced by non-Europeans, the Anglo-Indian community is entitled to share.

Further, inasmuch as the Anglo-Indian community has had a large share in building up the All-Indian transport and communication departments in the past, and may justifiably claim to have a lien on a certain number of posts in these departments, any displacement which may be found necessary should be adjusted and controlled, and should not be allowed to operate so as to throw out of employment a large proportion of the community which has in great measure been responsible for the efficiency and building of the Services. In certain Railway Centres,* large numbers of Anglo-Indians have settled with their families and are entirely dependent upon the Railway for their living, having been brought up and educated in Railway life in these settlements.

* The following are examples of Railway Centres where Anglo-Indians have settled: E.I. Railway, Jamalpur, Lillooh, Dhanbad, Asansol, Allahabad, and Lucknow; M. & S.M. Railway, Parel, Madras; G.I.P. Railway, Bhusaval and Kalyan; S.I. Railway, Trichinopoly; B.N. Railway, Khargpur; E.B. Railway, Kanchrapara and Saidpur; B.B. & C.I. Railway, Ajmere; N.W. Railway, Moghalpura (Lahore) and Karachi; and the A.B. Railway, Chittagong.

For all these reasons, therefore, the case of the Anglo-Indian community under the new conditions which have arisen and more particularly after the new Constitution becomes operative, must receive special consideration.

Not only the British and Indian Governments, but leading Indians also of all communities have recognised the services rendered by and the very special position and needs of Anglo-Indians. The British non-official community represented by the Associated Chambers of Commerce wish now most emphatically to identify themselves with this attitude and to lend all the influence they can to secure for the Anglo-Indian community such special treatment as will enable them to tide over the difficulties of transition and to establish themselves as firmly in the new regime as in the old. They regard it as an obligation on the British nation to ensure that the Anglo-Indian community is protected in the present and that it is given opportunity so to adapt itself that it will be able to find for itself a permanent position in the new India.

2. Throughout the reform period, this feeling that some form of special protection will be needed for the Anglo-Indian community has been present and has received repeated recognition. In the Montague Chelmsford Report, paragraph 346, the special position of the community was admitted, and its weakness, if left to itself, was recognised, and it was said that Government must be given power to discharge its obligation to the community.

The Statutory Commission considered the question at some length (Vol. I, pt. I, Ch. 5), and in Vol. II, paragraph 340, recommended that "some special consideration should be shown to the community in recruiting for the Central Services with which it has a traditional connection."

The Government of India, in its Despatch of September, 1930, said: "the economic future of the Anglo-Indian community should be placed under the protection of Parliament as a special obligation."

Finally, at the Round Table Conferences, the community's special needs have throughout received recognition. The position was summed up in the Services sub-Committee Resolution, which was unanimously passed: "The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment and recommend that special consideration should be given to their claims for employment in the services." (First Session Round Table Conference, sub-Committee No. VIII (Services), Para. 5 (4).)

Now and now only can this special consideration be implemented.

3. The position of the Anglo-Indian community has of late years been steadily becoming more serious. Partly owing to Indianisation and partly owing to retrenchment, unemployment among Anglo-Indians has risen to serious proportions. As an instance the case of the Railways may be taken as typical. Between 1929/30 and 1931/32 the number of Anglo-Indians employed on the Railways fell from 14,452 to 13,365. This represents a loss in two years of 1,087 appointments or over 7 per cent. Even more serious is the fact that of those still employed some half are older men and that recruiting is not taking place in proportion to losses by death, discharge and retirement. If this continues, the deterioration must become progressively more severe.

There is also the fact that both in Central Services and under Local Governments some forms of employment which formerly absorbed many Anglo-Indians have now become almost entirely Indianised to the exclusion of Anglo-Indians.

4. There are two distinct lines along which help will be required. First, they must be assured of suitable and adequate employment both

now and throughout the transition period. Secondly, the future generations must be given such education and training as will enable the community in future to stand on its own feet.

As regards Education, the needs of the community have been considered by the Irwin sub-Committee, of which the recommendations are incorporated in the White Paper. But as regards employment there is no provision in the White Paper, beyond the general provision governing communal recruiting of minorities and as the education of the child is dependent on the economic security of the parent further consideration is necessary.

The Associated Chambers, therefore, most earnestly urge that the status of the Anglo-Indians and Domiciled Europeans as Statutory Indians be emphasised, and that special provisions shall be made to ensure them a full share of appointments according to their peculiar claims.

5. The seriousness of the present position and the need for special treatment being both admitted, it remains now only to devise some means by which the position can be remedied in the present and how it can be secured in the future. As regards the future, special treatment is suggested for a limited time only, in order that the community may be preserved in something of its old position until such time as it has had a chance to adjust itself to the new conditions.

6. Although Anglo-Indians have in the past distinguished themselves in the Imperial no less than in the Provincial and Subordinate Services, the bulk of the community is now employed in the Upper and Lower Subordinate Services, in which pay ranges generally from Rs. 35s. p.m. to Rs. 250s. p.m.

In the past the bulk of the community has been accustomed to find employment firstly in the Central Services such as Customs, Posts and Telegraphs, where a knowledge of English is required, and secondly in the Railways. The latter has indeed carried some two-thirds of the community's employees in those grades.

The service to the State rendered by the community in the past and still being rendered in services, cannot be overrated. It has been invaluable. At a time when English-speaking Indians were few in number, the Anglo-Indian was indispensable. In all forms of communication—Posts, Telegraphs, Railways and Ports, the services of the Anglo-Indian community have been of the highest value in the past and are likely to remain so in the future.

7. It should also be remembered that the pay of these appointments is fixed on an Indian scale and that it is to-day no more expensive to employ Anglo-Indians than to employ Indians.

8. Much time and thought have been devoted to evolving the most suitable methods of securing to Anglo-Indians in the future such a proportion of employment as will enable them to tide over the transitional period.

The proposal which the Associated Chambers are now prepared to support is shortly this:—

(a) In the Railways and in the Postal and Telegraph Services the Anglo-Indian community shall continue to enjoy such number of the total number of posts held by all Indian communities as they enjoyed in the year 1930-31, being the last year before retrenchment supervened and that any existing deficiency below that number be made good by immediate recruitment.

(b) In all other Government Services the annual recruitment of Anglo-Indians and Domiciled Europeans shall not fall below the total annual wastage of Anglo-Indians and Domiciled Europeans in the particular Services.

(c) That the above numbers of appointments for Anglo-Indians and Domiciled Europeans be maintained for a period of 30 years from the passing of the Constitution Act and thereafter until recruitment shall be conducted without communal reservations.

In no case shall retirements be compulsorily or otherwise accelerated, but shall proceed in the ordinary course.

(d) These results shall be secured by an Instruction to the Governor-General and Governors in the Instrument of Instructions with reference to their special responsibilities for Minorities and will be effected by standing instructions to Public Service Commissions and to other recruiting and appointing authorities.

9. It will be observed that this formula does not involve any expropriation of other communities, for its effect will be only to secure the same number of posts now filled by Anglo-Indians. It does not mean that any extra charge will be laid on the administration because Anglo-Indians to-day work on the same rates of pay as other Indians, while everyone who has had experience of the community will agree that the formula will not entail loss of efficiency in the Services. In effect the proposal amounts only to this, that for a fixed period of years the substitution of Indians for Anglo-Indians, which has been going on for some years, shall be arrested and a fixed number of appointments for the period of transition, from the date of inauguration of the reforms, shall be reserved for the Anglo-Indian community.

10. The Associated Chambers are of opinion that this is a very reasonable request, to which there should be little, if any, opposition. The nature of the proposal is comparable to a demand which it is understood is being put forward by other minority communities to the effect that employment in the Government Services should, allowing for the needs of efficiency, be distributed among the different communities in proportion to their representation in the Legislatures. Such a basis, however, could not be made applicable to the Anglo-Indian community because of the special circumstances which have been detailed above.

E. C. BENTHALL.

T. S. CATTO.

G. L. WINTERBOTHAM.

*Witnesses on behalf of the Associated
Chambers of Commerce of India,
before the Joint Select Committee
on Indian Constitutional Reform.*

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